UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/8/Add.29
12 October 1995

ENGLISH ONLY

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

BULGARIA

[29 September 1995]

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Introduction

1. The Convention on the Rights of the Child was ratified by the Bulgarian Parliament on 11 April 1991 without any reservations on the texts. It entered into force for the Republic of Bulgaria on 3 July 1991 and was promulgated in the State Gazette, No. 55 on 12 July 1991.

2. The Convention became part of the country's domestic legislation pursuant to article 5, paragraph 4, of the Constitution of the Republic of Bulgaria of 13 July 1991 which reads: "The international instruments ratified in the manner established by the Constitution, promulgated and entered into force in the Republic of Bulgaria shall be part of the country's domestic law. They shall enjoy superiority over such norms of domestic law that contradict them."

3. In implementing article 44 of the Convention on the Rights of the Child, the Government of the Republic of Bulgaria is hereby presenting its initial report on the measures adopted for implementing the rights recognized by the Convention and on the progress achieved in exercising such rights. The information contained in this report was discussed at a meeting of competent institutions and non-governmental organizations working on behalf of children.

I. GENERAL MEASURES OF IMPLEMENTATION

4. In practice a significant part of the requirements placed by the Convention were contained in the Bulgarian Constitution and legislation at the time of the Convention's entry into force for Bulgaria. Certain provisions in Bulgarian legislation guarantee norms that are even more favourable than the ones contained in the Convention (the right to life and protection of the embryo, protection against economic exploitation, certain aspects of the adoption regime). Some legislation needs to be improved and a new law-making policy and strategy in the area of protecting the rights of the child will have to be elaborated. A National Analysis of the Situation of Children and the Family was carried out. It outlined the main problems and noted the existing awareness among researchers and children's rights activists of the need to develop mechanisms and instruments that would put into motion the provisions of the Convention.

5. Following the ratification of the Convention, the following important legal acts were passed concerning the rights of the child: the new Constitution (1991), the National Education Act (1991) and the Regulation on its implementation (1992), the Names of the Bulgarian Citizens Act (1991), several amendments to the Penal Code, the Code of Criminal Procedure, the Social Welfare Act (1991), the Regulation on the Terms and Procedure for Adoption of Bulgarian Citizens by Foreign Nationals under article 136, paragraph 1, of the Family Code (1992), the Ministry of Health Care Regulation on Use of Free-of-charge Medication by Children under four and Pregnant Women, amendments to the Decree on Encouraging the Birth Rate, etc.

6. The main legal standard in Bulgaria is the Constitution. The constitutional provisions have direct action (art. 5, para. 2). The Constitution provides for special protection on the part of the State and society of the child, his or her upbringing and education, as well as of the family and maternity (art. 47, paras. 1-5 of the Constitution).

7. The National Education Act is one of the important laws adopted after the ratification of the Convention and conforming to its principles and provisions. It maintained certain positive aspects of former laws such as: free-of-charge provision of services, free access, mandatory education, desire for universality, and provided new forms, structures and goals of education corresponding to the changed social and economic situation in the country. Pluralism in the types of schools and the forms of training was introduced, and, beside the State schools, the existence of private schools and kindergartens as well as joint venture schools and foreign educational establishments was permitted. This has actually provided more efficient guarantees for implementing the right to education. An opportunity was created for studying a mother tongue apart from the official Bulgarian language. Among the State educational requirements were added principles which fully conform to those contained in article 29 of the Convention such as: tuning education to the development of the child's personality and his or her individual talents and interests, tolerance and respect for others, for parents and relatives and for national and world cultural values, and the development of the child's professional training.

8. The country's social policy is in a process of renewal. The old policy encountered serious difficulties in the period of transition to a market economy: substantial limitation of resources available to the social sphere due to the economic crisis, stagnation and the losses incurred by the country from the economic sanctions imposed by the United Nations against other countries, the constantly increasing number of people in need due to the impoverishment of the population, labour unions exerting pressure over the State administration, the requirements of the IMF and the World Bank.

9. The main goals of the new social policy include the following: functioning of the protective network for the poorest social strata, payment from the budget of child bonuses as a set amount for each successive child depending on the family income, two levels of applying social policy, i.e. national and regional, separating all social funds from the State, providing credits to students and increasing the retirement age. A National Programme for Encouraging the Birth Rate and Providing Jobs for Young People will be adopted.

10. The new Regulation of Social Welfare (1991) created an opportunity for the State (through local welfare offices) to support, whenever necessary, children and families by providing one-time or regular assistance in money or in kind, or in the form of services. Special assistance was provided for children in a disadvantaged social position such as orphans, children with physical or mental deficiencies, minors under moral threat, children of unemployed parents and children of unemployed parents who do not receive social security.

11. Changes were also made in the legislation regulating the adoption of children. The number of foreign nationals willing to adopt Bulgarian children has risen in recent years. The absence of more detailed regulations created conditions for violations which turned society against such adoptions. A popular feeling was formed that this was some kind of trade in children, that Bulgarian families were being neglected (they have to wait for a child for up to two years), that children were being exported for immoral purposes, etc.

The Regulation of the Ministry of Justice on the Manner and Procedure for Adoption (1992) was adopted in this connection. The Regulation established the procedure and rules under which the Minister of Justice grants permissions to foreign citizens to adopt Bulgarian children. It specifically points out that the adoption procedure should conform to the provisions of article 21 of the Convention on the Rights of the Child. Whenever seeking such permission would-be adopters are required to produce the documents and certificates listed exhaustively in the Regulation which should be issued by the administrative and social welfare services at the place of residence. The evaluation is also made from the point of view of certain additional requirements that provide protection for the interest of the child and the Bulgarian families waiting to adopt a child.

12. The basic government institutions dealing with the problems of children are the Ministry of Health Care, the Ministry of Labour, and Social Welfare, the Ministry of Education, Science and Technologies, the Ministry of Justice and the Committee for Young People and Children.

13. The Ministry of Health Care is responsible for taking care of children's health and has certain functional and institutional obligations. These are functions pertaining to medical treatment, the rehabilitation of children and mothers and the opening of institutions for such purposes (children's and women's consultation services, maternity wards and hospitals, children's wards and hospitals, nursery schools, mother and child centres for looking after neglected and abandoned children, children without known parents, orphans, children of ailing or financially troubled parents under three years of age who have been given up for adoption, municipal children's kitchens for preparing food for babies aged between 10 months and 3 years).

14. The Ministry of Education, Science and Technologies is a specialized body within the Government for managing the education system. This Ministry provides monitoring and methodological guidance to all kinds and grades of kindergartens and schools, including special schools for handicapped children, boarding schools and schools for children with special educational needs. The public institutions for looking after children without families aged over three are also under the jurisdiction of this Ministry.

15. The Ministry of Labour and Social Services is developing and monitoring the implementation of social policy and in the past two years has been developing the new social legislation in line with the new social and economic conditions. This Ministry provides methodological guidance to municipal social welfare services which render assistance to children and families in disadvantaged circumstances, pays out child bonuses to unemployed parents, etc. The Ministry of Labour and Social Welfare (MLSW) - the national social welfare centre - also has monitoring functions. The MLSW provides methodological guidance and monitors the following kinds of institutions: centres for children and teenagers with physical disabilities, institutions for children and adolescents with moderate and severe mental deficiencies, social-educational vocational centres.

16. The Ministry of Justice is exercising functions in the field of policy towards children who are in conflict with the law; it also has functions in the area of child adoption: the Minister of Justice gives permission for the

adoption of every Bulgarian child by foreigners and prepares draft legislation for child protection. This Ministry also monitors correctional facilities for minors.

17. In 1995 the Committee for Sport, Young People and Children within the Council of Ministers was reorganized into a Committee for Young People and Children and a Committee for Physical Education and Sport. The functions of the Committee for Young People and Children are: (a) to develop the State's policy towards children and young people by working to make protection of children into a priority of State policy; (b) to elaborate and submit to the Government draft acts and programmes for the development and protection of children. The Committee for Young People and Children also distributes the subsidies approved by the State budget for implementing the State's policy with respect to children.

18. The Government is currently engaged in the preparation of draft legislation concerning children's rights. The Ministry of Labour and Social Welfare has prepared a draft Social Welfare Act. The Ministry of Justice is preparing a draft Child Act and a draft Courts for Minors Act. The future Child Act is expected to regulate the establishment of new offices within the municipal councils for providing social services and protection to children and families, a mechanism for granting that protection, as well as new forms of looking after children who do not have families.

19. Considerable efforts to protect the rights of children are carried out by non-governmental organizations and foundations. Over 10 different charitable organizations, associations and foundations have been registered and are functioning for the purpose of assisting children who are in a disadvantaged social or physical situation. Some have a wider, others a more limited object of activity: the Childhood Public Fund, the Orphan, World for All and Charity Foundations, the Society for the Protection of Children within the Podkrepa Confederation of Labour, the Association for the Protection and Development of Children, the Free and Democratic Bulgaria Foundation, the Association for Protection of Children, the Bulgarian section of Defence for Children International, etc.

20. Several charitable foundations were established on special occasions in connection with providing medical treatment to children abroad: the Ani and Tashko Foundations and others. It is obvious, however, that these humane forms of civil society can by no means serve as a replacement for the responsibility of the State to take care of the less fortunate in society.

21. Gradually these associations set themselves the goal of entering into the field of policy-making with respect to children. They are attempting to participate in the management and financing of public institutions for looking after children who are in a disadvantaged position from the point of view of social status or health. They are also making proposals for amendments to specific legal provisions for protection of the rights of children in line with the principles and provisions of the Convention. In this connection, they are seeking the cooperation of State institutions.

22. Non-governmental women's organizations such as the Bulgarian Women's Union and the Democratic Union of Women are actively involved in increasing

awareness of the problems of the family and children in society and the authorities of the State. It was at their initiative that in 1994, the International Year of the Family, the National Committee on the Family was established under the patronage of the President of the Republic. A proposal was made to Parliament to establish a parliamentary committee on the family and children with the task of adopting and passing amendments to the legislation regulating the protection of children. The first steps have already been made in the elaboration of a national programme for policy and legislation with respect to children. The Council of Ministers approved the concept of a national policy and legislation with respect to children by decision No. 191 of 1994.

23. Since as yet a national programme on policy with respect to children's rights has not been adopted, a system for monitoring the implementation of the Convention has not been established. The Bulgarian National Committee for UNICEF has started a joint programme with the National Statistical Institute and independent experts for monitoring the situation of children in Bulgaria following internationally accepted standards and indices.

24. Article 42 of the Convention obligates the State to inform children and adults of the provisions and principles of the Convention. The text of the Convention was circulated by means of 112,000 copies translated into Bulgarian and printed in the State Gazette (circulation 80,000). The national radio has started a series of programmes for children acquainting them with the Convention and discussing its provisions. The Ministry of Education, Science and Technologies has pointed out in its guidebooks that teachers should observe both the domestic law and regulations and the Convention on the Rights of the Child. Non-governmental organizations are also carrying out substantial activities to promote children's rights through publications, participation in radio and television programmes and other events.

II. DEFINITION OF THE CHILD

25. Under Bulgarian legislation a child is a person under 18 years of age. According to the Individuals and the Family Act "persons who have not completed the age of 14 shall be considered minors" (art. 3, para. 1) while "persons aged 14 to 18 shall be considered adolescents" (art. 4).

26. Persons under 18 are ineligible to vote and do not enjoy the competence to carry out legal actions on their own. According to the Individuals and the Family Act legal actions on behalf of persons under 14 are carried out by their legal representatives - their parents or guardians. Persons from 14 to 18 carry out legal actions with the permission of their parents or guardians but can also carry out minor transactions involving their current needs, and may dispose of the proceeds of their own labour. The Family Code (art. 73) provides stronger protection for the interests of the child in the disposal of his or her property. In carrying out transactions involving properties of a child, his or her legal representatives are obliged to prove to the court the need or obvious advantage to the child of the transaction. At the same time this law proclaims certain types of transactions null and void if they are carried out by a child and result in dissipation of the property (art. 73, para. 3, of the Family Code).

27. The minimum age at which a child can sign a labour contract independently and without the consent of the parents is 16. In general it is forbidden to hire children under 16, i.e. 16 years of age is the absolute minimum for hiring children. Only as an exception is it permitted to: (a) hire children aged between 15 and 16 but only for easy jobs that are not dangerous to the health and development of the children; (b) to hire in the field of art (circus, film-making, theatre) children under 15 under special conditions established expressly in regulations issued by the Council of Ministers and with the consent of the parents (guardians). The permission of the labour inspectorates is required in each individual case. A special age for full or partial employment of the child is not provided. The Labour Code (1986, amended in 1992) and certain administrative acts provide special norms for enhanced protection of children holding jobs, which are examined in greater detail in the Special Protection Measures Section.

28. School education under the age of 16 is mandatory. School education starts at the age of 6 or 7 at the option of the child's parents or guardians (art. 7, paras. 1 and 2 of the National Education Act).

29. Under the Penal Code only children over 14 can be held legally responsible and only inasmuch as they understand the nature and gravity of their offence and in so far as they are able to govern their own actions. The Penal Code contains special provisions for legally responsible adolescents. Special correctional measures are applied to them under the Combating Antisocial Behaviour by Minors and Adolescents Act.

30. Imposing legal restraints on the freedom of a child is permitted in exceptional cases: by preliminary detention in urgent circumstances and only in the cases expressly provided for in the law. In such cases court authorities must rule within 24 hours of the legality of the detention. Detention can only be admissible in special circumstances during the initial investigation. Another form of restraint is serving a prison sentence passed by a court of law. In all cases, however, the child must be over 14.

31. In general, a sentence of imprisonment may only be imposed on a person over 14 and as an exceptional measure. The longest term of imprisonment for a child aged 14 is 3 to 10 years (the latter is a replacement for the life sentence), and for a child aged 16, 5 to 12 years in similar circumstances (arts. 62-63 of the Penal Code). Children serve such sentences in correctional facilities separately from adult prisoners (art. 65 of the Penal Code).

32. Special measures have been applied for seeking penal responsibility from children. At the option of the prosecutor or the court (during the court proceedings), educational rather than penal measures may be applied to a child and a verdict already passed may be replaced with an educational measure under certain terms. Imprisonment sentences are also eased in terms of type and length when they are applied to adolescents (arts. 61-64 of the Penal Code).

33. No age limit has been set for providing witness testimony, i.e. children may be subpoenaed and can testify before a court of law. The Code of Criminal Procedure provides special rules for examining minor or adolescent witnesses -

the child must be examined in the presence of a psychologist or an expert in education and if necessary, in the presence of a parent or guardian (art. 99 of the Code of Criminal Procedure);

34. After completing the age of 14 a child may carry out legal procedures on his or her own but only with the consent of the parents or guardians (art. 16, para. 1 of the Code of Civil Procedure). Adolescents may conduct suits in person in the cases of disputes over labour relations or over transactions they have carried out on their own within the area of competence provided to them by the law (art. 16, para. 3 of the Code of Civil Procedure). Married adolescents may appear before a court on all suits connected with marriage (divorce or annulling a marriage, etc.) and any related claims for support, child custody, property, etc. (art. 258, para. 2, and art. 260 of the Code of Civil Procedure). Under the Names of the Bulgarian Citizens Act a child aged over 14 may file a claim in person for change or restoration of a name.

35. The law respects a child's right to be heard in court on matters concerning his or her rights and interests. The court must hear the opinion of the child if he or she is over 10 years of age in case of adoption, in settling disputes among parents regarding the child's domicile and, if appropriate, when granting custody of the child after a divorce (art. 55 of the Family Code). The consent of children aged 14 or more should be sought in cases of adoption, citizenship or change of name.

36. Under the Family Code persons have the right to marry after completing 18 years of age. As an exception and if there are important reasons, persons aged 16 may also enter into marriage with the permission of the court. As of the moment of marriage a person acquires the right to carry out legal actions independently with the exception of disposal of real estate, for which the permission of the court is required (art. 12, para. 3, of the Family Code).

37. Under the Public Health Act the consent of a child's legal representatives - parents or guardians - is required for providing medical treatment, for surgical operations, transplantations, etc. until the age of 18.

38. Living with a girl under 16 or forcing a girl of that age to such cohabitation is a crime under the Penal Code (arts. 190-191 of the Criminal Code). Even more severe penalties are imposed for such offences involving children under 14 (art. 177, para. 2, of the Penal Code). Forcing a person under 18 to become involved in prostitution is also prohibited (art. 155, para. 3 and art. 188 of the Penal Code).

39. Forcing a person to take drugs is punishable. The penalties are more severe if the person involved is under 18 years of age (art. 354b of the Penal Code). It is prohibited to sell alcohol and tobacco products to persons under 18.

40. After completing 18 years of age all Bulgarian men are subject to military service. The law does not provide for the possibility of accepting volunteers in the army at a lower age.

41. The minimum age at which it is possible to obtain a driving licence is 18, and 16 for motorcycles under 50cc (art. 13, para. 2, of the Road Traffic Act).

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

42. The requirements contained in this text are unquestionably accepted in Bulgarian legislation. The Constitution proclaims that the State guarantees the life, dignity and rights of the individual and creates conditions for the free development of man and of civil society (art. 4, para. 2). The Constitution in particular emphasizes that all people are born free and equal with respect to dignity and rights (art. 6, para. 1). According to article 6, paragraph 2, citizens are equal before the law. No curbing of rights is permitted, nor are privileges allowed based on race, nationality, ethnic identification, sex, origin, religion, education, conviction, political affiliation, personal and social status or property. Foreign nationals residing in Bulgaria have the same rights and obligations under the Constitution, with the exception of those for which Bulgarian citizenship is required (art. 26, para. 2).

43. The principle of non-discrimination has been developed in certain other legal acts. Thus, the Code of Criminal Procedure especially notes the principle of equality of citizens in criminal legal procedure. The Penal Code treats the following actions as punishable crimes: preaching or instigation of racial and national hostility or hatred, or racial discrimination (arts. 162-163); use of violence against anybody because of that person's nationality, race, religion or political convictions (arts. 164-166); genocide, racial or other segregation, or apartheid (arts. 416-418). In article 4 of the National Education Act it is especially proclaimed that children are equal in the exercise of their right to education, and it is stated that no limitations or privileges are admissible based on race, nationality, sex, ethnic or social origin, religion or social status. The establishment of a universal and differentiated child bonus is envisaged in the drafts of the Social Welfare Act that are currently being prepared. The universal bonus will be given to the child irrespective of the social status of the mother, while the differentiated one will be paid depending on age, income, etc.

44. Despite the current regulation of the principle of non-discrimination at the level of the Constitution and law, more facts are emerging of discrimination against children, particularly at the level of the home. These facts are brought up by the media, by children's rights organizations and law enforcement authorities. The growing social division of society and commercialization of the spheres of education, health care, culture and recreation reduce access to them for whole groups of children. This particularly affects families that fall upon severe circumstances resulting from many children in the family, absence of one of the spouses, unemployment, severe or chronic illnesses. The absence of reliable social protection of the children of such families places them in certain cases in an even more severe situation than the children defined as being in a particularly severe situation, the so-called "social orphans" who are placed in public institutions.

45. A factor for limiting the rights of the child are certain obsolete legal norms such as looking after children without a family and after children who are in conflict with the law. Despite the existence of a special constitutional text (art. 47, para. 3) proclaiming equality of the rights of children born in and out of marriage, the policy of treating the latter limits in practical terms their right to a family, to equal access to education, culture, etc.

B. Best interests of the child (art. 3)

46. The main ideas in Bulgarian legislation with respect to children are: responsibility for looking after the children and their education lies with the parents; the State and society assist the parents in that activity; parental rights may be limited or revoked if the parents should look after the child or educate it in a manner that is dangerous for his or her health or if they are objectively incapable of providing the necessary parental care.

47. The main constitutional principle of State policy is special protection of the child and maternity, and particular protection of children left without the care of their relatives (art. 47). In the legislation concerning children reference to a child's interests is made when particularly important rights and interests of the child are at issue. The court rules whether or not to permit an adoption from the point of view of the interests of the child.

48. The parents' representation of a minor and their guardianship of an adolescent may only be guided by the interests of the child. Disposal of a child's property is only permitted by the court when there is an obvious advantage for the child. It is from the point of view of the child's interests that it is decided which parent is to be granted custody after a divorce and which of the parents is to be awarded the family home. In appointing a guardian of the child determination is made from the point of view of the protection of the interests of the child.

49. The content of parental rights and obligations includes care for the personality, health, education and property of the child. The Family Code contains provisions providing for such rights to be exercised by the parents jointly or individually irrespective of whether they are joined in wedlock or not. The mother and the father are equal in exercising their parental rights. For failure to exercise parental rights and obligations there are penalties under criminal or family law, the latter being expressed in limiting or revoking parental functions. The legal regulation, however, contains certain gaps: no mechanism exists for protecting the child against disrespect for his or her personality or against violence in the family. The procedure for imposing sanctions against a parent is cumbersome and judges are rather cautious in interfering in this delicate sphere.

C. The right to life, survival and development (art. 6)

50. The right to life of all Bulgarian citizens, including children, is proclaimed by the Constitution. All violations against human life are punishable as a most severe crime (art. 28). The requirements of this

principle are met by means of various measures in health care and social welfare. Right to life, survival and development is examined in greater detail in the Basic Health and Welfare section.

D. Respect for the views of the child (art. 12)

51. The Constitution recognizes the right of Bulgarian citizens, including children, to free expression and dissemination of their opinion (art. 39). Legislation provides a clearer description of the cases when special importance is attached to the opinion of a child depending on his or her age and degree of maturity. Age and the related capability of the child to form and express his or her views are important in determining the legal effect of the opinion of the child.

52. The Family Code envisages that in certain cases the child must be heard by the court before it reaches a ruling concerning that child. A child of 10 or more years of age is called to be heard in court in adoption proceedings, and in settling the issue of domicile when the child has run away from a parent's home. In settling disputes among parents regarding custody or where the child should reside, the court hears the child's testimony if he or she is 14, or at the court's discretion if he or she is between 10 and 14. The law does not provide for hearing the child's opinion in the appointment of a legal guardian and in the case of problems in relations with such guardians. A child who has completed 14 years of age cannot be adopted without his or her consent.

53. Hearing the opinion of the child is also envisaged outside the family sphere. The Names of the Bulgarian Citizens Act requires the consent of the child over 14 for any change of name. Under the Bulgarian Citizenship Act children over 14 must give their consent to acquiring and revoking Bulgarian citizenship. The National Education Act provides for children over 14 to have their own opinion and preference in choosing a school and type of education when they exercise their right to education (art. 9). According to the Regulation for the Application of the National Education Act, a student is entitled to express an opinion or put forward proposals before the administration of the school regarding the organization and conduct of its activities, and can elect and be elected in the collective management bodies of the school (art. 102, para. 1, and art. 9).

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

54. The requirement for registration of the child immediately after birth is fully met by the provisions of the Regulation of Civil Status. Each birth should be announced within five days and a birth certificate is issued within that period of time. It is the father above all who has the obligation to announce the birth; if he is deceased, absent, unknown or is unable to do so because of illness or imprisonment, the obligation to announce the birth lies with every person who was present at the childbirth. If the birth occurred at a hospital, it is the manager of the hospital or a person appointed by him who is responsible for announcing the birth. The announcement is made in writing. Special rules have been adopted for registration of abandoned children.

55. The child's right to a name is regulated by the Names of the Bulgarian Citizens Act and the Regulation of Civil Status. The child's name is chosen by both parents. The ways of determining the patronymic and surname and the way a child born out of wedlock or a child of unknown parents is named are described in the law as well as rules for changing and restoring a changed name.

56. Under the Constitution (art. 25) and the Bulgarian Citizenship Act, Bulgarian citizenship is acquired at birth when at least one of the parents is a Bulgarian citizen and the child is born on Bulgarian territory, or by naturalization. Any child born on Bulgarian territory of parents who are foreigners not possessing a citizenship or with unknown citizenship may acquire Bulgarian citizenship if he or she is ineligible for another citizenship by origin. Protecting the child against the possibility of remaining without a citizenship, the law awards Bulgarian citizenship also to children of unknown parents on Bulgarian territory. If the parents of children under four should acquire Bulgarian citizenship, their children also acquire such citizenship. If the children are over 14, they acquire Bulgarian citizenship only if they specifically apply for it.

57. The right of the child to know his or her parents and to be looked after by them (the right to family and biological identity) is protected by the provisions of the Family Code. Essentially, these provisions are aimed at protecting the child's best interests. The child's origin in respect to the mother is established by the birth certificate. The woman who has given birth to a child is recognized as the mother even though the conception might have occurred using someone else's genetic material. The spouse of the mother is recognized as the father when the child is born in marriage or less than 300 days after the termination of the marriage. Origin may also be established in court or by voluntary admission of parenthood.

B. Preservation of identity (art. 8)

58. Under the Constitution a Bulgarian citizen by birth cannot be deprived of Bulgarian citizenship (art. 25, para. 3). The Bulgarian Citizenship Act provides special protection of the right to citizenship. One can be deprived of Bulgarian citizenship only for a serious crime against the Republic of Bulgaria which has damaged the interests and security of the country, and only if the person resides abroad. Depriving parents of Bulgarian citizenship does not affect the citizenship of the children. Children may be relieved of Bulgarian citizenship only if that has been specifically requested for them. The consent of children over 14 years of age is required for them to be relieved of citizenship. In protecting the right to a name against illegal violations, the Names of the Bulgarian Citizens Act provides that "the use of threat, coercion, violence, deceit and abuse of power or other illegal action in determining, preserving, changing or restoring a name is punishable under the Penal Code".

59. Actions violating the child's right to family are also punishable, such as detaining some else's child under 14 and failure to notify the authorities and parents or legal guardians, as well as finding and detaining a lost child under seven and failure to notify the authorities and parents or guardians (arts. 184-186 of the Penal Code).

C. Freedom of expression (art. 13)

60. The Bulgarian Constitution recognizes everyone's right to express an opinion and to disseminate that opinion orally or in writing, by sound, image or in another manner (art. 39, para. 1).

61. The Constitution also provides for limitations of the freedom of expression: this right may not be used to violate the rights of or defame a person, to call for violent change in the constitutionally established social order, to kindle hatred or violence against a personality (art. 39, para. 2). The limitations of the right to seek, receive and disseminate information are the rights and good name of other citizens, national security, public order, public health and morals.

62. The freedom of art, science and technology is recognized and guaranteed by the law (art. 54, para. 2, of the Constitution).

63. Under article 40 of the Constitution "the press and other media are free and are not subject to censorship". The freedom of expression and information is guaranteed by the situation of the press and electronic media. All Bulgarian political parties, labour unions and other political formations have their own periodicals. They reflect their respective policies and attitudes to the problems of politics and the State. There are several scores of private radio stations and television channels in the country. Journalists are free to express and defend their position. Authorities have no control over them, but journalists may be held liable for violating any of the limitations on the freedom of expression explained above. There is a view shared in certain circles that it would be necessary to adopt a Media Act for the purpose of regulating the rights and liabilities of journalists. There is a predominant view, however, that such a law is unnecessary and would only introduce additional limitations. Responsibility for specific offences (defamation, slander, instigation of violence, etc.) may thus be sought under the current legislation, such as the Penal Code. The National Assembly will be debating soon the Broadcasting Act, which will regulate the rights and liabilities of television journalists and the role of television in society.

64. Access to foreign newspapers and magazines is free. There are no restrictions to the importation and sale of such publications in Bulgaria and, likewise, there are no restrictions to the export and sale of Bulgarian newspapers abroad.

D. Access to appropriate information (art. 17)

65. Under the Constitution everyone has the right to use the national and universal cultural values and to develop their own culture in view of their ethnic identity (art. 54, para. 1).

66. Television is mass media number one for modern Bulgarian children. The Bulgarian National Television broadcasts on two channels. Private television channels started broadcasting in 1994. The table below shows data about the television programmes broadcast over the two national television channels by type for the 1989-1992 period:

Programmes by functions (in hrs)	1989	1990	1991	1992	1993	1994
Total	6 385	6 248	5 998	6 933	6 506	7 178
Information	997	1 396	1 419	1 771	1 852	1 168
Educational	279	211	197	319	86	85
Cultural	233	116	140	229	109	253
Religious	-	-	-	21	18	31
Advertising	34	18	44	73	144	159
Entertainment	2 769	2 864	2 446	2 965	3 050	3 463
Children's	786	665	613	702	644	807
Others	1 287	978	1 139	853	603	1 212

Source: Yearbook of Statistics of the Republic of Bulgaria for 1993 and 1994, National Statistical Institute; Reference Book of Statistics 1995, National Statistical Institute.

67. The opening towards the world through satellite television and video has placed the media and in particular the specialized children's programmes and publications in a very competitive environment. The choice between artistic values and pseudocultural entertainment ever more often leans toward the latter. Today's Bulgarian children are characterized by many of the specific cultural indicators of the so-called "TV child".

68. Public libraries are another basic and accessible source of information for children. Practically all schools and cultural centres have their own libraries. The table below shows data about the number of libraries in the country in 1993 by type:

Types of library	No. libraries	No. books (thousands)	No. readers (thousands)	No. loaned books (thousands)
Total	8 367	82 043	2 178	32 713
National	1	1 503	24	214
Scientific libraries	27	9 890	211	4 099
Cultural centres	3 751	36 572	926	16 351
Office libraries	943	6 635	107	1 123
Schools	3 062	16 060	662	7 296
Special	502	5 327	98	1 004

Source: Yearbook of Statistics of the Republic of Bulgaria for 1994, National Statistical Institute.

69. After 1989 a true turn-around occurred in the means of mass communications: information pluralism, a thriving newspaper industry, growing competition. Most of the old newspapers and magazines ceased to exist and were replaced by numerous new ones. From a situation of hunger for information society went through a transition to information oversaturation and aggression. There is a similar situation with respect to children's and young people's newspapers and magazines. There appears to be dominant the satisfaction of musical and hedonist needs, a turning of children's and adolescents' attention to entertainment, fantasy, parapsychology, intersexual relations and sex, erotica and violence.

70. The commercialization of the press and book publishing have created openings for children to have unobstructed access to erotica, pornography, violence and horror as the "pillars" of mass culture. Certain publications which speculate in sexual problems for commercial purposes are trying to manipulate public opinion. Erotica for its own sake was defined as "normal" and is presented almost as sexual education about the "normal things in life" while films containing violence and horror are presented as "ordinary thrillers". This has already resulted in negative consequences reflected in the education and behaviour of children.

71. Regrettably, there is as yet no State policy for protecting children against violence and pornography promoted by sources from among the media. There are no legal means for punishing the propaganda of violence through children's literature, for restricting children's access to pornographic material; there is no monitoring for violations of children's well-being and best interests in their search for and receipt of information.

72. In recent years a growing number of high quality children's encyclopedias, reference books and literature for training in foreign languages have been published. There are tax breaks for publishing educational literature. The Ministry of Education issues free-of-charge textbooks and school aids for training children belonging to language minorities in their mother tongues.

E. Freedom of thought, conscience and religion (art. 14)

73. Under the Constitution freedom of thought, conscience and religion and choice of religious or atheist views are inviolable (art. 37, para. 1). The religious faiths are unrestricted. The religious institutions have been separated from the State (art. 13, paras. 1 and 2, of the Constitution). The State assists in maintaining tolerance and respect among the followers of the various faiths, as well as among religious and unreligious people (art. 37, para. 1). The violation of religious freedoms, the use of force or intimidation, obstructing people's freedom to perform freely their religious rites are crimes punishable by imprisonment under the Penal Code. This is also true of cases when intimidation is used for imposing a religious faith.

74. There is tolerance with respect to religious views and the freedom to perform religious rites both on the part of the authorities and among citizens. There are no obstructions from the legal or practical point of view

to parents' freedom to provide religious and moral education to their children depending on their own convictions. These are personal and family problems in which no one has the right to interfere.

75. Under the National Education Act, mandatory education in Bulgarian schools is secular. The goal is not to permit the imposition of ideological or religious doctrines on students. In secular schools religious schools of thought are studied from a historical, philosophic or cultural point of view through the content of various subjects. Education is based on moral norms and values for building a free, moral and active personality, respect for the law, for other people's rights, for their culture, language, religion, etc. The religious institutions in the country may open religious schools with the permission of the Minister of National Education. The education obtained at religious schools is recognized as equal to secular education by the Ministry of National Education if the State's educational standards have been observed for the respective educational grade (art. 30, paras. 1 and 2, of the National Educational Act).

76. According to sociological studies the percentage of religious Bulgarian citizens is 48.5 per cent of the population. Among Muslims this percentage is considerably higher - 74.1 per cent, while it is 47 per cent among Christians. Eastern Orthodox Christianity is dominant and its followers make up 87.5 per cent of all religious people. Catholics amount to 0.9 per cent, Protestants less than 0.5 per cent, the followers of the Armenian Church 0.2 per cent; all in all 89.1 per cent of all religious people in Bulgaria are Christians.

77. The freedom of conscience and religion cannot be directed against national security, public order, national health and morals or against the rights and freedoms of other citizens (art. 37, para. 2, of the Constitution). The Constitution bans the use of religious communities and institutions, as well as religions, for political purposes (art. 13, para. 4). It is also not permitted to form political parties on religious grounds (art. 11, para. 4). Society is greatly concerned over the growing spread of so-called sects or new religious movements, some of which are violating the basic rights of their followers. Most of those sects display intolerance and require on the part of their followers such intolerance to traditional religions and also to some models of behaviour that are traditional of society and its legal order. Children are uncritical in accepting the new religious ideas presented to them in an attractive manner, and in most cases pay the price in terms of losing traditional values such as the family, parents, home, school, friends, and often their own life.

F. Freedom of association and of peaceful assembly (art. 15)

78. Bulgarian citizens, including children, enjoy the freedom of association. The aim of association is the protection and satisfaction of citizens' interests. The most widely spread forms of association are labour unions, cooperative organizations and political parties. A law establishes which organizations are subject to registration. Mandatory registration does not amount to control over the freedom of association, but rather verification that the legal requirements are being observed.

79. The Constitution provides for certain general restrictions on the right of association. A ban has been imposed on organizations whose activity is directed against the sovereignty and territorial integrity of the country and the unity of the nation, at kindling racial, ethnic, national and religious hostility, at violation of the rights and freedoms of citizens, as well as on organizations which establish secret or paramilitary structures or are willing to attain their goals by means of violence.

80. A general restriction on children's right to association is also in force: children cannot establish or join political parties. The ban contained in the Political Parties Act on political activity in schools is acting in the same direction. The Political Parties Act permits parties to create their own adolescent organizations for children over 16 years of age. Children at this time do not have their own children's organizations.

81. The Constitution also recognizes the right to free assembly, which means the citizens' right to assemble freely and without arms at assemblies and rallies. The procedure for organizing and holding rallies is established by the Meetings, Rallies and Demonstrations Act, while indoor rallies may be held without permission. There are penal provisions which on the one hand guarantee the freedom of rallies, meetings and demonstrations, and on the other ensure that they are held legally. Anyone who breaks up or prevents the holding of an event by violence, deceit, intimidation or in another manner is punishable by imprisonment for up to two years. Penalties are also provided for organizers who hold banned events or continue to hold a meeting, rally or demonstration which has been halted.

G. Protection of privacy (art. 16)

82. The text reflects one of the basic principles of democratic society and the lawful State: the freedom and independence of the individual, his privacy and the right to protection against interference in this sphere. The Bulgarian Constitution - unquestionably reiterates this principle in several provisions. The main text - "the private life of citizens is inviolable" - is further concretized. It is prohibited for citizens to be monitored, photographed, filmed, recorded or subjected to other similar actions without their knowledge or express consent, except in the cases permitted by law. No one can be subjected to detention, search or other infringement of inviolability, except on the terms and following the procedure established by the law. No one can be subjected to medical, scientific or other experiments without his or her voluntary consent in writing.

83. The inviolability of the home is also guaranteed by the Constitution and no one can enter and stay in that home, except in the cases expressly pointed out in the law. The freedom and confidentiality of correspondence and other communications are also inviolable. Exceptions to this rule are admitted only with the permission of the judicial authorities for the purpose of solving or preventing grave crimes.

84. The Constitution states that "everyone is entitled to protection against illegal interference in his personal and family life and against infringements on his honour, dignity and good name". The right is guaranteed by the Government's obligation to provide such protection. The privacy of a child

placed in a correctional boarding school is also protected by the provisions of article 53, paragraph 2, of the Regulation for the Application of the National Education Act, according to which the personal documentation kept for every student is confidential and can be disclosed only to certain officials.

85. All forms of illegal interference in people's privacy have been defined as crimes and are punishable under the Penal Code. Violations of the rights of the child within the family are also crimes, particularly the ill-meaning disclosure of the confidentiality of adoption, which is punishable by imprisonment for up to one year. Violations of the inviolability of the home, the confidentiality of correspondence, as well as illegal attacks on the honour and dignity of the individual in the form of defamation or slander are punishable under special sections of the Penal Code.

86. The current Penal Code displays certain gaps and incompatibilities with the Constitution which will certainly be corrected in the bill containing a new Penal Code. Apart from the protection provided by criminal law, citizens may also protect the values described above through civil law by filing claims for compensation for material and moral damage.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

87. This provision is reproduced in almost the same manner in the Bulgarian Constitution: "no one may be subjected to torture, cruel, inhuman or degrading treatment ..." which provides protection to all citizens including children. Article 287 of the Penal Code provides punishment by imprisonment for up to 10 years for any authority who in the course of his duties resorts to illegal forcible means for the purpose of obtaining admission, testimony or conclusion from a defendant. Illegal detention and the placement of a healthy individual in a mental institution is also a crime.

88. The death penalty is still provided in the Penal Code. It is assumed to be a temporary and exceptional measure applied to the severest of crimes. At the same time, in all cases to which it is applied, the death penalty can be replaced with a prison term. Discussions on the problem of the revocation of the death penalty in Bulgaria have flared up in recent years. In 1990 the National Assembly adopted a decision to halt executions until the issue of the death penalty is fully resolved.

89. The life sentence was introduced by an amendment to the Penal Code in 1995. Corporal punishment is non-existent in Bulgarian law. Bodily injury, including light injury, is a punishable crime. There is a special text in the Penal Code that states that punishment cannot have as its goal the causing of physical suffering or degrading human dignity. Corporal punishment is banned in schools and has been revoked as an educational measure.

90. The Penal Code provides special rules in respect of the imposition and serving of prison sentences by children. There is a provision for reducing sentences in terms of type and term. The death penalty cannot be imposed on a person who was under 20 at the time of perpetrating the crime or on a woman who was pregnant at the time of the crime or of the reading of the verdict.

Pregnant women cannot be executed and in such cases the death sentence is commuted to imprisonment for not less than 15 years. The life sentence in such a case may be replaced with imprisonment from 3 to 10 years.

91. Three types of penalties can be imposed on adolescents: imprisonment, admonition and ban on the practice of a profession or activity.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

92. This text of the Constitution proclaims two basic principles: (a) the child alone exercises his or her own rights depending on his or her developing abilities, and (b) parents and other persons who by law look after the child have the right, responsibility and obligation to provide adequate guidance to the child in such cases where this does not come into conflict with the child's own competence. Thus, Bulgarian legislation entrusts parents to be the legal representatives of their minor children and to provide guidance to their adolescent children only in their best interest (art. 73, para. 1, of the Family Code). Minors whose parents are dead, are deprived of parental rights or are unknown, are appointed a guardian (art. 109 of the Family Code).

93. The law recognizes the competence of adolescents to conduct legal actions "with the consent of their parents". From the point of view of their age minors are not permitted to carry out actions of legal consequence. Their legal representatives (parents and guardians) carry out such actions on their behalf (art. 3 of the Individuals and the Family Act). They can, however, act on their own without needing the consent of the parents in "carrying out ordinary minor deals for satisfying their current needs and in disposing of anything they have acquired through their own labour (art. 4 of the Individuals and Family Act), for participating in court action "regarding disputes on labour relations or disputes arising out of transactions under article 4 of the Individuals and Family Act" (art. 16, para. 2, of the Code of Civil Procedure).

94. Parental guidance of children is specifically regulated in the judicial process (art. 16, para. 2, of the Code of Civil Procedure), in education, in labour relations and education. Under the National Education Act the child's right to choose a school, including choosing between State, municipal and private schools, as well as the kind of education for children under 14 is exercised by the parents (art. 7, para. 2, and art. 9, para. 2, of the National Education Act). They have the right to decide at what age the child should start school (6 or 7). After the child completes 14 years of age the law allows him or her freedom to choose the type of education and form of training.

95. Several possibilities are provided for acquainting parents with the educational process of the child in the school for the purpose of attaining "adequate guidance of the child" in the exercising of his or her right to education. These possibilities are: regular meetings and consultations provided by teachers to parents about the progress and behaviour of the children, participation of representatives of the parents in the school councils, consultative bodies on problems of the operation and development of

schools (arts. 106 and 113 of the Regulation for the Application of the National Education Act). A traditional Bulgarian form of assisting and monitoring schools are the school boards, where parents of schoolchildren are represented. In practice, however, greater efforts are needed on the part of schools for further involving parents in daily school life for the purpose of implementing more efficiently the parents' obligation and right to provide guidance and control of their children in their education.

96. Parental consent is required for children taking jobs if they are under 15; parents, though, are not entitled to any proceeds from their children's earnings. Children over 16 may conclude a labour contract on their own. Under the Inheritance Act children are not allowed to make a last will. According to the Public Health Act parents must give their consent to the forms and methods of medical treatment of their children.

B. Parental responsibilities (art. 18, paras. 1-2)

97. Bulgarian legislation on the family and the child is based on the premises that the child must be looked after and educated in the family of his or her parents, that the State and society should assist parents in their care of the children, and that parents enjoy certain legal guarantees that their rights and responsibilities in looking after and educating their children will be observed and respected.

98. The Bulgarian Constitution and the Family Code state that care for and education of their children is the right and obligation of parents. This premise reflects two democratic principles: equality of rights and obligations of parents bound or not bound in matrimony, and equality of the father and mother. Every parent has full rights and obligations on the basis of his or her capacity as parent. The principals are both parents when they are known, alive and have not been deprived of parental rights. Whenever one of the parents is dead, unknown or deprived of parental rights, the right of principal is enjoyed by the other parent.

99. Principalship of the two parents is not affected by divorce. What is affected is the exercise of parental rights. When the court assigns such rights to either one of the parents, they do not become the exclusive property of that parent. The parent who is not given custody of the child is not deprived of parental rights, nor is he or she relieved of parental responsibilities.

100. Parents are free to exercise their rights in looking after and educating their children. These rights include providing a name for the child, looking after it and providing support and education. Parental rights and responsibilities are exercised under the Family Code jointly or separately by both parents. The principle of complete equality between the mother and father in looking after a child is in force. Likewise in force is the coordinated solving of problems. In case of differences between parents which cannot be resolved, the dispute is settled in court (art. 72 of the Family Code). The rights of parents are protected in family law and in criminal law.

101. Children must live with their parents unless important reasons require that they live elsewhere. Parents may ask the court to rule for a return of

their children to them if they have left the family home (art. 71 of the Family Code). Actions such as abducting and detaining a child or hiding one from his or her parents is a crime under articles 185 and 186 of the Penal Code. The constitutional principle is that rights of parents may be restricted or revoked only under a procedure established by law (art. 47, para. 5, of the Constitution). This is done under articles 74 and 75 of the Family Code.

102. Parents have a prime responsibility to look after the development of their children. When both parents are deceased, unknown or deprived of parental rights, a legal guardian exercises care over the children similar to that of parents. Under the law adopters are also principals of parental rights.

103. The State policy in respect of support for parents in their care for their children is in need of improvement. Irrespective of the fact that young women are granted freedom to choose whether they should dedicate themselves exclusively to looking after their children during the first three years after childbirth, most of them elect not to avail themselves of that right mainly for economic reasons: the growing gap between the amount of financial support and inflation. The birth of every child results in a lowering of the living standard, and about half the families (as witnessed by a special study) are practically unable to exercise their right to choose.

C. Separation from parents (art. 6)

104. It is a principle in Bulgarian legislation that parents are responsible for looking after and for educating their children. Children live with their parents and in case of unreasonable separation the court rules for their return to the family home. At the same time, however, Bulgarian legislation provides various possibilities for children to be separated from their parents at the latters' request, and the placement of such children in institutions.

105. A child's separation from the family is generally accepted as an exceptional measure for protecting the interests of the child in three cases: first, when parents happen to fall into a difficult situation and request separation from the child; second, when the child's personality, health and development are threatened by a parent. Separation in such cases is carried out by a court ruling. A court may also issue a ruling on placing the child with one of the parents when they are divorced or separated and cannot agree on which of them should have custody. Third, a child may be separated from the parents and placed at an institution when by his or her behaviour the child threatens his or her own health and future development, and the rights or interests of others, or of society in general.

106. When the parents (mother) of a child under three are in prison, in hospital, are students, live in inadequate conditions, are unable to look after the child in their own home or are in a state that threatens the health of the child, they can leave the child at a child-care institution (art. 1 of the Regulation of the Operation of the Mother and Child Homes). The child may be placed at a Mother and Child Home also on medical grounds (for deficiencies, hereditary damage or after premature birth). In such cases the

child is placed in such an institution at the request of the parents and with the agreement of the institution's chief physician. Children receive care at such institutions until the age of three.

107. The Regulation for Children and Adolescents Homes and the Regulation for the Application of the National Education Act provide similar options for parents of children aged over three. Children for whom "conditions are lacking for proper care and education in the family", when families fall upon hard times as a result of illness or poverty, as well as children deprived of parental care and supervision may be placed in Children and Adolescent Homes (for children from 3 to 7 and from 7 to 18 years of age respectively). The children are admitted at the request of parents or guardians, or at the personal request of the child himself. Another group of children are placed in such homes at the recommendation of school administrations, the case workers at problem child supervision offices, social workers and public charity organizations. In all cases the consent of parents or guardians must be obtained.

108. Children without parents or with parents deprived of parental rights are placed in boarding schools for children and adolescents. Social boarding schools, which are primary schools, are used to place children who do not enjoy appropriate living conditions to remain with their families or are left without parental supervision and care; they may also be used for children who regularly cut classes, are homeless, have escaped from their homes, have committed minor theft, are the children of alcoholics or of parents unable to tackle life's problems. Children placed at such schools can visit their homes during holidays. The State covers all costs for food and clothing of such children. Their education is under the management and supervision of the Ministry of Education, Science and Technologies.

109. A child's separation from his or her parents is admissible under the Family Code as a measure for the protection of the child's rights, when the parent's behaviour threatens the personality, health or education of the child. In this case, at the request of the other parent or the prosecutor, as well as ex officio, the court may start procedures for restricting or revoking a parent's right. The court must hear the opinion of the parent affected, but such a hearing is not mandatory when determining the measures for placing a child. In protecting the interests of the child the court may rule on placing the child with close relatives or at a public institution for looking after children.

110. The issue of where a child who has escaped from his or her family should reside is also settled in court. The court may reject a motion for the return of the child if there are "important reasons" for the child to reside elsewhere. A possible reason for such a ruling may be the behaviour of one or both parents which makes joint habitation with the children undesirable or threatening for their proper physical and psychological development and for their education. When in such cases there is deliberate failure to fulfil parental obligations, the consent of the child is not required for the separation. If it is objectively impossible for the parent to look after a child due to long illness or absence and if it comes to a court settling the case, the consent of the parent must be borne in mind when deciding on the placement of the child.

111. Where a child has committed a violation of the law, one of the possible measures in respect of such a child may be separation from the parents and placement at a Labour Educational School (correctional boarding school) (art. 13 of the Combating Antisocial Behaviour by Minors and Adolescents Act). For children over 14 years of age placement is carried out by a prosecutor or the court as an alternative to a penalty, or by the Ministry of Education at the recommendation of a local commission for combating antisocial behaviour by minors and adolescents. Placement is carried out at the proposal of the local commission if the child is under 14. The commission reaches a decision after hearing the parents of the child. Under the Regulation for Children and Adolescents Homes and the Regulation for the Application of the National Education Act children under 15 who have committed antisocial offences or are prone to such offences may be placed at Social Boarding Schools. Children are directed to such schools by local commissions for combating antisocial behaviour by children and adolescents at the proposal of case workers at problem child supervision offices or of homes for temporary placement of minors and adolescents, as well as at the proposal of parents.

112. In all cases when the issue of separating a child from his or her parents is discussed or decided, the provisions of the Code of Civil Procedure, the Code of Criminal Procedure and the Combating Antisocial Behaviour by Minors and Adolescents Act compel the court or commission to call and hear all parties concerned.

113. Bulgarian legislation provides guarantees for the maintenance of personal links and contacts between parents and the child when the latter is separated from them or lives with one of the parents. When the court issues a ruling on separating the child from one or both parents, it must define the "measures regarding the personal relations between children and parents" (art. 76; art. 106, para. 1, of the Family Code). Failure to carry out or obstruct the fulfilment of a court ruling by a parent is a crime. In the cases where the court limits or revokes the rights of a parent, it is possible, in the best interests of the child, to impose a complete or partial ban on contacts between the parent and the child.

114. When the child is placed in a public institution, the regime of maintaining contacts with the parents depends on the type of institution. There are no restrictions for Mother and Child Homes and Children and Adolescents Homes. Contacts at social boarding schools are limited to holidays or to days for parent visits, while for correctional boarding schools contacts are limited to special days for visits by parents or during the child's vacation.

115. In Bulgarian legislation there is no formal ban on each member of the family receiving information about the domicile of the missing parent when the child has been separated from the parent as a result of an action of the State (detention, imprisonment, etc.). The Serving of Penalties Act provides guarantees for the maintenance of contacts between the child and a parent serving a prison sentence. The regulation in this field has some shortcomings. It is obsolete, does not guarantee the rights of the child to a sufficient degree and does not reflect the social and economic changes that have occurred in the country. Thus, the Central Commission for Combating

Antisocial Behaviour by Minors and Adolescents with the Chief Prosecutor's Office has drafted an amendment bill to the Combating of Antisocial Behaviour by Minors and Adolescents Act which will be adopted by the National Assembly in the near future.

D. Family reunification (art. 10)

116. The Foreign Travel Passports Act contains special provisions for issuing foreign travel passports for the purpose of reuniting families. A possibility for contacts between parents and children is also provided by the Foreigners' Stay in Bulgaria Act, under which a foreigner may not be refused entry into Bulgaria for such reasons.

117. Under the Constitution every Bulgarian citizen, as well as every foreigner residing in Bulgaria, is free to leave the country. This right can only be restricted by a law for protecting national security, public health, or the rights and freedoms of other citizens. The grounds for refusing to issue a passport listed in the Foreign Travel Passports Act are: legal criminal proceedings against the applicant, the applicant is serving a prison sentence, the applicant is a person whose travel may threaten the security of the Republic of Bulgaria, or the person has considerable debt to the State. The right of Bulgarian citizens to return to the country whenever they so desire is regulated by the Constitution and is not restricted in any way whatsoever.

E. Recovery of maintenance for the child (art. 27, para. 4)

118. Under Bulgarian law children are supported by the parents. According to the Family Code "parents owe support to their minor and adolescent children irrespective of whether the latter are able to work or not, and irrespective also of whether such children and adolescents are able to support themselves from their property". In case of divorce or when the parents are separated, child support and the parent providing that support are determined by the court. The amount of compensation is determined pursuant to the needs of the child and the earnings of the parent. Where it is impossible to obtain child support from the parents, the Family Code provides a ladder of ascending relatives: brothers and sisters, grandfather and grandmother.

119. The effective payment of child support money is guaranteed by family legislation (monthly period for payment, prohibition of compensating for moneys due with outstanding instalments, interest on delayed payment, etc.), civil and penal law. Collection of money for child support is given priority under the Obligations and Contracts Act. Such moneys cannot be subject to collection by executive writs for other debts and the court may adopt ex officio measures for guaranteeing a child support claim, while persons owing child support money do not enjoy the protection provided by the Code of Civil Procedure to debtors. Deliberate failure to provide child support is a crime.

120. The Foreign Travel Passports Act provides a special protective measure for ensuring payment of child support when the parent travels abroad. A person who owes child support money and has not provided the amount due for the period of his or her absence may be refused a passport.

121. The Family Code provides a possibility for the State to cover outstanding child support where parents have failed to pay. The order and terms on which this is done are established by the Regulation of the State Assuming Payments of Child Support: the child support compensation must be established by a court ruling and the parent from whom it is due must be delinquent in his payments. The amounts outstanding are paid out from the budget of the respective municipality. Whenever a child has no relatives, or such relatives are unable to support the child, the State assumes the support of the child through its social welfare system. Children left without one parent are provided with pensions, while children left without both parents receive support from the State through the municipal child-care centres. Schoolchildren are directly financed from the State budget by means of scholarships for high marks or social scholarships provided under the Council of Ministers Decree on Terms of Providing Scholarships to Students. Social scholarships are provided to children who have just one parent, do not have parents, are handicapped, and to some schoolchildren who are foreign nationals. Social scholarships are paid for each of the 12 months of the year while scholarships for high marks are only paid during the school year. The amount of the scholarship is a percentage of the legal minimum salary for the country. Apart from receiving the full amount of State support children placed at Children and Adolescents Homes receive 80 per cent of the scholarship due to them if they conform to certain requirements. They are also entitled to pocket money for daily expenses.

F. Children deprived of a family environment (art. 20)

122. Institutional care is the main alternative for looking after Bulgarian children who are temporarily or permanently deprived of their family environment. There are various kinds of institutions for children subject to their age and needs for special care or medical treatment.

123. Mother and Child Homes have been established for children under three years of age. They are for children without parents, or children at high medical or social risk (children of single parents, of parents who are students, of poor families, of parents working on shifts - art. 3 of the Regulation of Mother and Child Homes). These institutions are supervised by the Ministry of Health Care. There are 31 Mother and Child Homes in Bulgaria's bigger cities. Between 8,500 and 9,000 children stay at such homes every year; 3,771 children were placed in such homes at the end of 1994. Every year one out of every five children in these homes is adopted (which means practically every healthy child). Children are directed to this institution by the chief physician of the hospital maternity ward, local health services, the police, the court or local social welfare offices, as well as at the request of parents. Parental consent is required when the child's parents are known. Most of the staff of the homes have a medical education with 67 per cent of the physicians being specialists in paediatrics, while the non-medical staff includes psychologists and child education experts.

124. Boarding schools are provided for children of school and kindergarten age. Children whose "families are unable to provide adequate conditions for proper care and education", whose parents are ill or poor, or who are deprived of parental care and supervision, may be placed at Children and Adolescents

Homes (for children aged 3 to 7 and 7 to 18 under art. 1 of the Regulation of Children and Adolescents Homes). Children are admitted to such institutions at the request of parents or guardians, or at the request of the child himself. Other children are placed at the recommendation of school administrations, officers at the problem children supervision offices, social workers or public charity organizations. In all cases the consent of parents and guardians is required if they are known.

125. The Regulation of Children and Adolescents Homes (1974) made no distinction between children without parents (orphans and abandoned children) and children with parents. They were all placed in the same institutions which has created emotional and psychological problems for the orphans. The Regulation for the Application of the National Education Act (1992) provides for separation of the homes. A new regulation of children and adolescent homes is currently being prepared.

126. The Children and Adolescents Homes (art. 52 of the Regulation for the Application of the National Education Act) are used for placing children without parents or whose parents have been deprived of parental rights. Social boarding schools (art. 54 of the Regulation for the Application of the National Education Act), which are in fact primary schools, are used for placing children who do not enjoy appropriate living conditions in their families, who are deprived of parental care and supervision, as well as children who regularly cut classes, who are homeless, have escaped from their homes, have committed minor theft, are the children of alcoholics or of parents who are unable to cope with life's problems.

127. In 1994-1995 there were 13 educational boarding schools with 836 students, 29 social boarding schools with 2,239 students and 132 Children and Adolescent Homes with 8,699 students. According to a study by the Ministry of Education and Science, 65 per cent of these children come from one-parent families. The Homes are financed by the State, including the costs for food and clothes. They are run and supervised by the Ministry of Education. Most of them are situated in villages and small towns. Most of the staff of these Homes are teachers, but medical staff is in short supply.

128. Special schools have also been established for children with chronic illness and mental, psychological and physical deficiencies, but these are incapable of accepting all children who need special medical care. Some of them are boarding schools where children stay and receive education as well as medical care. These schools are supervised and run jointly by the Ministry of Health Care, the Ministry of Education and the Ministry of Labour and Social Welfare.

129. There are numerous problems confronting the children's institutions which considerably reduce the efficiency of the care for the children and their education. The homes are incapable of compensating to a sufficient degree the absence of a family environment, and of maintaining regular contact with the parents (if the children have parents). Children placed in such homes suffer from lagging behind in the development of their personalities, disturbed communicativeness, emotional insufficiency, lack of affection for grown-ups, passiveness and mistrust. Serious deviations are observed in the intellectual and motivational spheres of the psychology of children of primary school age,

as well as a proneness to improper behaviour. The inefficiency of child care for children without families is a consequence of former policies and obsolete legislation.

130. Children's institutions have been situated in a very irrational manner in the country (in small towns and villages). Acute problems are encountered in financing and maintaining the specialized institutions for children. There are particularly grave problems concerning manpower: teachers have inadequate training and personal motivation, most of them have little experience (one year or less), or are beyond the retirement age; two thirds of them are women. Last but not least come the problems related to organization and legislation. There is an absence of a unified system for organization and management of the institutions. The various kinds of institutions are governed by different laws and regulations, and report to different authorities. In their current form the institutions are hardly able to conform to the requirement contained in the Convention for continuity in child care.

131. Changes on social policy and legislation are being debated and developed, such as increasing the number of local social offices and their competencies with respect to children's institutions, a gradual reduction in the number of institutions and their gradual moving towards medium-sized cities that are close to university centres, the upgrading of such institutions and the provision of a family alternative to care for such children.

132. In April 1990 the Ministry of Health and SOS Kinderdorf International signed a cooperation agreement and a supplementary protocol between the Ministry of Education, Science and Technologies and the SOS Children's Settlements Society, registered in Bulgaria, was signed on 7 May 1992.

G. Adoption (art. 21)

133. Adoption is permitted with a decision issued by a regional court. Pursuant to the provisions of the Family Code, the court must collect information about the child to be adopted and the adopters. It should then hear the conclusion of the prosecutor and should permit adoption only if it should judge that such adoption is in the best interest of the adopted child. Under the provisions of the Code only persons under 18 can be adopted, while adopters should be persons who are not incapacitated, who have not been deprived of parental rights and are at least 15 years older than the adopted child. The consent of the parents of the child, the spouse of the adopter and of the child (if over 14 years of age) is required for carrying out an adoption. There is an exception to this rule for parents who neglect their children or who look after them in a manner that is detrimental for them, as well as for children who are looked after in institutions and whose parents have failed to inquire after them within a certain period of time. These may be adopted even without the consent of their parents.

134. As mentioned above, about one fifth (or about 120) of the children looked after in institutions are being adopted every year. There are more would-be adopters than children offered for adoption. Families have to wait for up to two years before being offered a child. When offering children to would-be adopters there is a requirement to disclose information about the child's ethnic origin and to choose an environment that is compatible with the child's original ethnic, religious, cultural and language environment.

135. International adoption is recognized by Bulgarian law as an alternative for children who cannot be adopted by Bulgarian families and as a better option than looking after the child at an institution. The adoption of Bulgarian children by foreign nationals is carried out by a Bulgarian court after receiving the permission of the Minister of Justice. Candidates must submit documents certified by the social services at their place of residence showing that they conform to the standards for adopters in their countries. The Regulation of Adoption of Bulgarian Children by Foreigners (1992) installed certain restrictions concerning the status of the child and the qualities adopters should possess which are aimed at protecting Bulgarian would-be adopters and the right of Bulgarian children to be adopted primarily in their native country. Applicants can act alone or through an intermediary. A total of 383 Bulgarian children were adopted during the period 1990-1992.

136. Adopted children usually go to countries that have a relatively higher standard of living. In giving his consent the Minister of Justice is guided by the country of origin of the adopters and their financial and property status from the point of view of their ability to provide adequate care for the child. There is no legal provision that international adoption should not result in illegal financial gain for any of the parties to such adoption. The only thing from which one can judge about the legislator's view on this issue is the principle that the documents of the applicants for adoption are transferred along the official channels from the manager of the public institution (if the child is adopted from such an institution) to the Minister of Justice and from him to the court ex officio.

137. Public opinion has been very sensitive to any possibility of illegal financial gain and to possible abuse of the children. It has therefore been proposed to enhance the competence of courts in examining preliminary agreements and payments between the parties concerned, as well as the establishment of a central institution dealing with adoptions which would be authorized to control and supervise the adoption procedures and the future of the child.

138. The Regulation of International Adoptions conforms to the Convention on the Rights of the Child. Currently authorities are examining the European conventions on adoption with a view to Bulgaria's becoming a party to these instruments. The Family Code contains certain provisions of an international character regarding applicable law to adoption. Thus, adoption is regulated under the native law of the adopters. If the parties have identical or different citizenship, the applicable law of their respective countries is observed.

H. Illicit transfer and non-return (art. 11)

139. The Bulgarian Penal Code calls such actions as abduction, detention and hiding a child criminal. There are, however, no provisions on illicit transfer abroad and non-return of the child. A new text was adopted in the Penal Code in 1995 which makes kidnapping of a person a crime (art. 142 of the Penal Code). Penalties are more severe if the abducted person is a child.

I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

140. The legal situation in respect of parents' liabilities for general violations of their obligations to look after the child was explained in connection with the information on articles 5, 9, 18 and 20. The interference of the State and society is expressed in restricting or revoking parental rights, the removal of the child from the parents' home and the provision of replacement care. Local commissions for combating antisocial behaviour by minors and adolescents may also apply certain measures of public pressure on parents, such as reprimand, fines, etc. for negligence in looking after the child. Parents may also be subject to criminal proceedings for severe violations of the child's right.

141. Leaving a child without supervision or sufficient care by a parent or guardian and thus threatening the child's physical, psychological or moral development is a crime (art. 182 of the Penal Code). The penalty can be imprisonment for up to one year. A similar penalty is provided for torturing a child by the person who is in charge of looking after and educating that child (art. 187 of the Penal Code).

142. Forcing a child to commit a crime or to become involved in prostitution is punishable by imprisonment for up to five years. The penalty may be imprisonment for up to six years if this has resulted in grave consequences for the child and if the offence does not constitute a more serious crime (art. 188 of the Penal Code). Abuse of parental authority expressed in forcing a child under 16 to join another person in matrimony as well as the regular use of children for begging is also punishable (arts. 189-190 of the Penal Code). Texts on bodily harm (arts. 128-130 of the Penal Code) can be applied to assault and violence against children.

143. Mistreatment and abandonment of children by parents have still not been the subject of thorough study in Bulgaria. Court statistics do not show the incidence of family violence against children, though some information is available in Problem Children Offices. Thus there are no organizational forms for public influence over parents and for protecting children. Also lacking is target-oriented education of parents and preventive work to provide consultations and other services to families.

144. Some criticism has been addressed to the provisions of the Penal Code: penalties are insufficient and it is difficult to prove the premeditated character of the offence. In this sense the legal protection of children against violence, abuse and mistreatment by parents and other people entrusted with the care and supervision of the children is inefficient. The problem is underestimated by prosecutors and courts. In 1989 only 42 parents were sentenced for completely failing to exercise parental control. In 1990 this number was 22 and in 1993, 13. The law does not provide for the adoption of urgent measures to protect the child in cases of mistreatment or failure to look after a child by his family.

145. There are social-legal offices providing, among other things, consultations and assistance to single parents and which protect the interests of minors when their rights and interests are abused by their parents.

146. The case workers in Problem Children Offices have special functions in this sphere under the Combating Antisocial Behaviour by Minors and Adolescents Act. Case workers look for and keep records of children living in conditions that are unfavourable for their development and education. They can carry out psychological and psychiatric studies of the children and take measures for direct action in respect to children, take action in respect to families that provide an inadequate educational and psychological environment for their children, make proposals for imposing public, administrative and legal penalties on parents, notify prosecutor's offices of crimes committed by parents against their children. Case workers particularly monitor high-risk families (where parents are alcoholics, drug addicts, homeless, or are involved in prostitution), and adopt preventive measures in respect of the children in view of their vulnerable situation.

147. State care for children subjected to violence or abuse in the family, including the measures for their rehabilitation and social reintegration, are the responsibility of homes for temporary placement of minors and adolescents and social boarding schools. The homes for temporary placement are established by municipal councils and operate under the supervision of the Ministry of the Interior. Their staff (medical professionals, teachers and psychologists) looks after children left without family supervision, homeless and beggar children (and children who have committed offences) who stay there for no more than two months. There are five such institutions in the country which cater for 3,000-4,000 children a year. In recent years child psychologists working in these institutions put forward the idea that such homes should be transformed into institutions for short-term (psychological and medical) care and for directing children back to their family environments or to other institutions if return to the family is impracticable. This will enable the homes to forecast the development of children, to provide consultation to parents, to case workers of Problem Children Offices and teachers. More detailed information was presented about these institutions in connection with article 20.

148. Non-governmental organizations are becoming more active in their efforts to provide efficient protection to the rights of individuals and in involving public opinion in favour of protecting children from violence in the family.

149. In recent months the Chief Prosecutor's Office made a proposal to the Council of Ministers on opening shelters for homeless children in larger cities. Certain NGOs have also become involved in tackling this issue. The Council of Ministers has drafted a decree on opening shelters for homeless children. Such shelters have already been opened in several major cities - Russe, Haskovo, Bourgas, to be followed soon by Sofia.

J. Periodic review of placement (art. 25)

150. The child's right to exercise, from time to time, control over all circumstances regarding his or her placement is not protected by Bulgarian legislation. There are no provisions for exercising independent monitoring of

the state of the child and on deciding on the need to continue the placement or medical treatment of the child. The only control envisaged in the law is for children who suffer from psychiatric ailments, alcoholism and drug addiction placed by courts for medical treatment. The Penal Code requires the court to make a pronouncement on halting, extending or modifying mandatory treatment six months after the placement. Under the Regulation for the Application of the National Education Act children may be placed at boarding schools for juvenile delinquents for no more than three years.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

151. The survival and development of children is guaranteed by the Bulgarian Constitution, the laws and other legal acts. Family, maternity and children are under the protection of the State and society (art. 14 of the Constitution). Care for and education of the children until they come of age is the right and obligation of their parents and is assisted by the State. Mothers enjoy the particular protection of the State which provides leave of absence from work prior to and after childbirth, free obstetrical aid, labour under easier conditions and other social assistance measures. Children born out of marriage enjoy equal rights with children born in marriage, while children left without the care of relatives enjoy special protection provided by society and the State (art. 47, paras. 1-4 of the Constitution).

152. Voluntary abortion is permitted in hospitals. Abortions carried out outside hospitals or in violation of the rules set down by the Ministry of Health are crimes under article 116 of the Penal Code.

153. The killing of a child during childbirth or immediately thereafter by the mother is a criminal offence (art. 120 of the Penal Code). Penalties are more severe for the killing of a child by the mother or father (art. 116 of the Penal Code) as well as for the murder of a pregnant woman.

154. Social welfare, assistance and health care during pregnancy and childbirth and care for the child are described further in this report.

B. Disabled children (art. 23)

155. According to the Bulgarian Constitution "... persons with physical and mental disabilities enjoy the special protection of the State and society" (art. 51, para. 3). The last study (1986) made so far of children in particularly grave circumstances for medical reasons found that in Bulgaria 17,870 children were registered as being in need of special medical and social care. To this group belong children with permanent physical disabilities, psychiatric disturbances, severe neurological ailments, blind or nearly blind and deaf and nearly deaf children, as well as children with chronic illness with deteriorating health. The legal regime includes chiefly measures for making the lives of such children easier by providing specialized institutional care and by assisting parents who are looking after the children.

156. Specialized institutions and medical boarding schools have been established for handicapped children. These institutions provide medical rehabilitation for correcting and compensating for ailments and encouraging the development of the children. In boarding schools for children without families or for children placed there at the request of parents medical care is combined with the socialization and education of children. Such institutions are the Mother and Child Homes for children under three years of age, medical care nursery schools and kindergartens which provide short-term care without permanent stay of the children, boarding schools for children in pre-school age.

157. Under the National Education Act and the Regulation for its application, special schools are established for students "who are in need of special care, assistance and protection by the State and society" in order to ensure effective access of handicapped children to education and professional training. Specialized schools "create conditions for helping children with chronic ailments and specific educational needs join normal schools" (art. 27.2 of the National Education Act).

158. Health schools (general and professional) with boarding sections have been established for students with chronic ailments and mental disorders. At hospitals and convalescent homes whole schools or individual classes are being opened for the schoolchildren receiving treatment there. These are special regime schools which conform to the State's educational standards.

159. Special schools are being established for children with lasting disorders: mental insufficiency, speech disorders, hearing and sight ailments. Correcting and compensating for disorders in the children's development can also be carried out in independent logopedic offices and centres for rehabilitation of hearing, speech and sight. Students graduating from schools for children with mental disorders can receive professional qualification at professional and artisan schools. Children with hearing or sight disorders graduating from high school enjoy the same rights as all children with high school education.

160. Under the Regulation of the Organization and Management of the Social Welfare Institutions for Children whose Active Treatment has been Completed special social welfare homes are established for children who remain there permanently. Such homes have been established for children and adolescents from 3 to 16 years of age with severe physical handicaps and for children aged 3 to 20 with mental disorders.

161. The special care for handicapped children provided by institutions is coupled with measures for alleviating their economic situation by granting children, their parents or persons looking after such children financial assistance. It should be noted here that education, therapy and rehabilitation of children without income are free of charge, while all others pay fees pursuant to the Tariff of Local Fees adopted with the Local Taxes and Fees Act. Thus, children under 16 years of age staying at social institutions pay a monthly fee in the amount of the average monthly income of a member of the family, but not exceeding the actual maintenance cost. Problems in regard

to the universal accessibility of treatment and rehabilitation emerge from the lack of sufficient capacity of the specialized institutions. The direct financial assistance includes monthly bonuses for handicapped children and social assistance. The monthly bonuses are provided from the budget under the Decree on Encouraging the Birth Rate and are on top of the salary or unemployment benefits received by parents looking after handicapped children.

162. Social assistance is granted by local social welfare offices depending on the specific needs and financial situation of the family pursuant to the provisions of the Regulation of Social Welfare. In this way direct support is provided either to children with severe physical or mental disorders, or to the parents looking after such children. Local social welfare offices can grant monthly support money, assist or facilitate the provision of any aids necessary for helping handicapped children, provide free-of-charge services, help in obtaining professional qualification and in finding a job. Severely handicapped children are entitled to a free (subsistence and board paid) vacation at a spa resort once a year.

163. The Regulation permits the granting of support to such persons until the age of 25 when such persons study or serve in the army and have no income of their own. Handicapped schoolchildren are entitled to social scholarships, the amount of which is calculated as a percentage of the legal minimum monthly salary. Social scholarships are paid for all 12 months, rather than for just the months of the school year.

164. The Labour Code provides for eased labour of women looking after handicapped children. The Regulation of Social Service of Persons and Families also provides for care for children with mental and physical disorders at day-care centres. These are financed by municipalities through the regional welfare centres and are also supported from extrabudgetary revenues.

C. Health and health services (art. 24)

165. The Bulgarian Constitution recognizes the right of citizens (including children) to health insurance, guaranteeing them access to medical assistance and free-of-charge use of medical services in a manner and on terms established by law. The latest amendments to the National Health Act and the Regulation of its application made in 1990 revoked the State's monopoly over health care. These amendments permitted the operation of private medical institutions and doctors alongside the State health establishments (which offer free-of-charge medical aid).

166. Bulgaria has a fairly well developed health network and substantial manpower, particularly in maternity and young children's health. The table below shows data on the number of permanent children's and women's consultation offices, which are the specialized units in the area of maternity and young children health:

Institutions	1985	1989	1990	1991	1992	1993
Total	2 425	2 580	2 617	2 664	2 697	2 727
Women's consulting offices	358	412	413	462	488	516
Children consulting offices	555	642	645	704	695	696
Children's-women's consulting offices	1 512	1 526	1 559	1 498	1 514	1 515

Source: Yearbook of Statistics of the Republic of Bulgaria for 1994, National Statistical Institute.

167. In 1990 children in Bulgaria were served by four specialized hospitals, 322 wards and universal health institutions, one specialized dental clinic and dental departments with local health centres. The health network also includes nursery schools and Mother and Child Homes for children under three years of age who do not have parents or belong to a high-risk group from a medical or social point of view. Data about these institutions is presented in the table below (as of 31 December 1994):

Institution	Number	Capacity	Children
Total	834	36 169	29 072
Nursery schools	812	30 259	25 301
Mother and Child Homes	31	5 910	3 771

Source: Reference Books of Statistics of the Republic of Bulgaria for 1995, National Statistical Institute.

168. Ten per cent of the total allocations for hospital aid and 21 per cent of the total allocations for outpatient medical aid to children go for supporting children's hospitals. Health care for children at State-run institutions is free of charge.

169. The main targets of children's health care are lowering the infant mortality rate and reducing ailments among children. Over the past 45 years infant mortality in Bulgaria has been reduced tenfold, but serious problems persist. The lowest value was recorded in 1988 - 13.6/1,000 - after which there was a rise in the mortality rate. The table below shows data on infant mortality for the 1990-1993 period:

	1990	1991	1992	1993
Infant mortality (per 1,000)	14.8	16.9	15.9	15.5
Prenatal mortality - 0/00	11.1	12.4	13.2	13.1
Neonatal mortality - 0/00	7.7	9.1	8.8	8.7
Postneonatal mortality - 0/00	7.1	7.9	7.1	6.8

Source: Yearbook of Statistics of the Republic of Bulgaria for 1994, National Statistical Institute.

170. Infant mortality has demonstrated an uneven pattern: it is higher in rural areas (in 1993 infant mortality was 16.9 per 1,000 in villages against 14.9 in cities). A comparison with other European countries shows that Bulgarian children are in an unfavourable position in respect to avoidable causes of death such as pneumonia, contagious diseases and diseases caused by parasites. Bulgaria ranks high in deaths caused by pneumonia. Other causes of death among infants under one year of age are pre-birth diseases, breathing disorders during childbirth, congenital heart anomalies and premature births.

171. The death rate for children aged 1 to 14 has not shown any significant change in recent years. In 1993 it amounted to 0.5 per 1,000, with the death rate being highest in the group of children aged one to four. According to UNICEF indices of the death rate among children under five years of age, Bulgaria ranks ninety-third of 129 countries with 21 per 1,000. The main causes of death are accidents, poisoning and violence, followed by breathing disorders. Bulgaria has almost the highest rate of all European countries of child deaths resulting from accidents and poisoning. Nearly two thirds of the children who die in the first year of their lives were born underweight (under 2,500 g). The risk of premature birth is linked above all with unhealthy lifestyles and high percentage of pregnancies occurring before the age of 18.

172. The existing clarity about the reasons for infant mortality permits greater efficiency of efforts to reduce it. This, however, is counterbalanced by worsening socio-economic factors such as rapidly falling living standards, deteriorating quality of food and the environment, insufficient funds for buying medicines and medical equipment. Under the PHARE programme Bulgaria received 84 ultrasonic units for its maternity and children's health establishments, as well as equipment for intensive care for pregnant women, newborn children and children suffering from serious diseases at university clinics, as well as for medical and genetic prophylactics. Currently a one-year training course is under way for paediatricians and gynaecologists familiarizing them with the new diagnostic and treatment methods made available by this equipment. A national screening will soon commence for finding and treating inborn disorders of the thyroid glands of newborn children. Among the Ministry of Health Care's principal targets in combating infant mortality are the broadening of the volume and improvement of the quality of medical genetic prophylactics through the improvement of the efficiency of the screening programmes and particularly through the introduction of mass ultrasonic screening of pregnant women, the introduction of new programmes for prenatal and neonatal diagnostics and the establishment of a national centre for children with hereditary disorders. An improvement of the current situation may also be sought by improving the health culture of the population and particularly of parents, and in educating children in habits and skills necessary for leading a healthy way of life.

173. The Public Health Act has established a system for constant monitoring of children's mental and physical development. Children's consultations rooms at local health centres monitor children aged 0 to 7 years. In 1993, 98.3 per cent of newborn children entered in the monitoring system within their first month. Consultations with the paediatrician also include changes in the child's feeding and the inclusion of certain foods at a given age as

determined by a special instruction of the Ministry of Health. Children's health care is organized at the regional level; there were 1,902 regions in the country in 1993.

174. Schoolchildren's health care is limited within the network of prophylactic examinations, partial dental care, immunizations and preliminary medical diagnosis. School medical offices are not concerned with such problems of student health and hygiene as the impact of study and the school regime on children's health, psychological disorders, student nutritional norms, physical activity, the school's hygiene and ergonomic conditions.

175. In the country there is a system of school physicians - about 600 in the larger school centres, while in many villages schools are serviced by regional physicians and smaller villages by paramedics only - over 600 school dentists and about 800 nurses. One school physician serves between 1,800 and 2,200 schoolchildren, which has a negative impact on school health care. The steady decline in the number of children in the paediatric districts and the children's and educational institutions in recent years, linked with the declining birth rate, enables municipalities to increase the number of school physicians at the expense of the staff of regional health centres. This will help improve the quality of health care at children's and educational institutions.

176. Despite the fact that the oldest childhood diseases were eliminated in Bulgaria as a result of universal immunization and that there is one regional physician for every 1,000 children (or every 800 children in areas of large Gypsy population), children are getting to be more prone to illness. This is explained by the influence of the degrading environment, with irrational feeding habits, inadequate health culture of the population, insufficient prophylactics, etc. Respiratory disorders (mainly viral ones) are most frequent, followed by neurological and sensory ailments, skin diseases, contagious diseases and parasite-caused illness. Injuries and poisonings are also rather widespread. Children belonging to the Turkish and Gypsy ethnic groups are more often ill than the rest, which is due to inadequate health culture and distrust of medical professionals.

177. With children aged three to seven the most frequent diseases are throat and pharyngitis ailments, sight disorders and chronic disorders. With children of school age most notable are spinal distortions, weight problems, sight disorders, high blood pressure and neuroses. Between 40 and 50 per cent of neuroses, high blood pressure and ulcers of young people and adults have their roots in childhood which makes such ailments at an early age socially significant. The unfavourable changes are mainly linked with growing stress resulting from the current situation in society and the family, and with the unhealthy lifestyle: insufficient physical activity, overburdened school curriculum, etc. According to experts there is a chance that as a result of the exposure to radiation of children at the time of the Chernobyl disaster and the subsequent period, cancer and leukaemia among children may increase by about 10 per cent in the next two or three years.

178. Bulgaria has traditions regarding immunization of children who are vaccinated against DPT, smallpox, TB, polio, parotitis and rubella. Immunization of all newborn children against hepatitis B started in mid-1990.

In 1990 the number of children who have received all mandatory immunizations dropped from 97.2 to 95.3 per cent. In 1995 a campaign for mass immunization of children under six against polio was carried out in connection with a rapid spread of the disease (after a period of five years during which there was just one case of polio; in 1993 43 cases were recorded of Gypsy children afflicted by polio).

179. The nutrition of children during the transition to market economy is determined by two basic factors: reduced manufacture of food products and higher prices after the price liberalization of 1991. As a result the consumption of food dropped in terms of quantity and deteriorated in terms of quality. There is an increase in the consumption of carbohydrates which are cheaper, and reduced consumption of food rich in proteins and particularly of fruits and vegetables. A study conducted by the Paediatrics Institute in 1991 showed that poor nutrition of children in recent years has had an unfavourable impact on their development. The analysis of the data shows that 25 per cent of the children aged 1 to 3, 24 per cent of those of preschool age and 12 per cent of children aged 7 to 10 are overweight, 6.17 and 6 per cent respectively of the children in these groups suffer from undernutrition and hypertrophy. The comparison with a similar study carried out in 1983 demonstrates that there has been an increase of 250 per cent in the number of overweight children and an increase of 300 per cent in hypertrophy. The higher percentage of hypertrophy is due partially to the early age at which babies are weaned. Currently natural feeding of infants continues to be an issue of primary importance. This is partially due to difficulties in mothers' lactation and partially to overestimating the advantages of artificial feeding.

180. A representative epidemiological study of schoolchildren's nutrition was carried out for the period 1989-1993. The results show that in terms of energy feeding is satisfactory, and in most cases even excessive. There is, however, an insufficient intake of certain vitamins and minerals, as well as of certain products such as fish, milk, fruits and vegetables. The main problem in this group is the organized feeding at school cafeterias. No more than 10 per cent of the children eat in school; the remaining 90 per cent eat out or at home where their nutrition is subject both to the generally low income of Bulgarian families and the drastic rise in food prices. In studying the problems of child nutrition, the National Centre of Hygiene, Environment and Nutrition has proposed the elaboration of a national programme aimed at coordinating action for ensuring the healthy nutrition of Bulgarian children. In March 1992 a team of experts from the Centre presented to the Ministry of Labour and Social Welfare a study on sets of products that satisfy the physiological needs of all age groups, whose prices would have to be re-evaluated from time to time. It was also proposed to adjust child bonuses to inflation rates; the rapid elimination of the monopoly over the manufacture of child foods by establishing small competitive factories, including with foreign participation; the adoption of urgent measures by municipalities for broadening the network of public kitchens for children; and improvement of schoolchildren's nutrition with the participation of agricultural cooperatives and NGOs.

181. There is a problem related to the pollution of food products with heavy metals in some parts of the country. Even when growing is environmentally

safe, food products from such regions accumulate harmful substances from the soil and waters which results in a deterioration of the health of large groups of children and an increase in chronic diseases. There are particularly severe consequences to the human embryo of nitrate poisoning caused by pollutants in the soil, water and air. There are no authorities and regular control to ensure the purity and quality of the food products offered in the markets. The use of specially selected high-quality products is regulated in the industrial manufacture of baby foods. The implementation of a national programme for studying children living in environmentally unsafe regions in the country started in 1990. Under a special programme children whose health is under an environmental threat are sent to spend their holidays and to study in environmentally safe environments. The mountain and Black Sea resorts, children's camps and the National Environmental Complex are used for educational and medical preventive purposes.

182. Premature birth, birth and post-natal medical aid to Bulgarian women, also free of charge, is provided by four specialized obstetric hospitals, one institute of obstetrics and gynaecology (operating under the Ministry of Health) and 277 wards in general hospitals (managed by the municipalities). There are 1.9 obstetricians per 10,000 people (according to 1993 data). Practically all women are able to receive highly qualified aid before and during childbirth at medical institutions. Women's consultation offices at local health centres monitored 84.5 per cent of the pregnant women up to the third month, which is 7.7 per cent less than in 1988. Women's consultation offices monitor the development of pregnancy, carry out various gynaecological and blood tests, including AIDS tests at the request of the pregnant woman, provide post-natal aid and advice to women. Over the past 30 years there has been a drop in maternal mortality from 71.4 per 100,000 births in 1960 to 18.7 in 1989, but it went up again to 20.9 in 1990. Maternal mortality in Bulgaria is among the highest in Europe.

183. Health education and training in that field are not satisfactory. In the book market there are no more than four or five specialized titles familiarizing parents with information on the care, nutrition and health of young children. The media, particularly women's publications, occasionally focus their attention on such problems. A specialized privately published magazine for parents was started recently. Children's consultation rooms at local health centres are the main sources of advice and assistance for parents in caring for their children.

184. Prevention of unwanted pregnancy is not developed to a satisfactory level because of the former ban on voluntary abortion, accompanied by the absence of sufficient quantities and variety of contraceptives, their high current price and the low level of health and sexual education of the population. It is for these reasons that the number of abortions in the country is relatively high. Abortion is pointed out as the cause of a third of the fatalities during pregnancy, childbirth and in the post-natal period. The number of children born outside marriage is also growing. Bulgaria ranks first in juvenile births, most of them by single mothers. Of all births in 1993 18,831, or 22.2 per cent, were of children born out of wedlock. In about 44 per cent of these cases children are the parents of the children born out of wedlock. The National Study came out with a recommendation to raise family planning to State policy status and to elaborate a long-term family planning policy. That

programme should incorporate a new system of health education of the family and in school, the formation of a responsible attitude to sex and parenthood, importation and manufacture of all kinds of modern contraceptives in sufficient quantities and their sale at acceptable prices, or even their provision free of charge to the poor.

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

185. The main goal of the system of social security and assistance to children and to families with children is to guarantee to the family a standard minimum of economic security necessary for looking after children. The direct financial assistance to families with children provided by the State includes payments during maternity leave and leave for looking after a child, one-time assistance after childbirth, monthly child-care bonuses paid out with the salary, pensions and social benefits. Maternity payments depend on the number of children with amounts rising up to the third child. These payments as well as the number of people eligible to receive them went up and as of 1985 it was possible for mothers to receive the legal minimum monthly salary until their children were two if they took a leave of absence from their jobs to look after them. In the event that a mother should decide to return to her job before the expiry of this two-year period and did not place the child in a public institution, she was entitled to receive half of that amount on top of her salary.

186. It is the universal right of all Bulgarian citizens to receive one-time financial assistance at the time of birth, irrespective of whether the person is insured or not (art. 1 of the Decree on Encouraging the Birth Rate). Currently, the amount paid increases until the third child. The bonus for the first child is in the amount of one legal minimum salary, two minimum salaries are paid for a second child and two and a half for the third. Certain significant amendments were made to the Decree on Encouraging the Birth Rate in 1993 under which child-care bonuses are also paid in cases when both parents are unemployed. These payments are made by the Municipal Social Welfare Centres.

187. For children with mental or physical disabilities a double bonus is paid, while single mothers receive an increased bonus. If the parents are deceased or their parental rights have been revoked, it is the person who is looking after the child who receives the bonus. Under the Decree monetary assistance and monthly child-care bonuses are also paid to parents who are students. Under the Pensions Act a child is entitled to an heir's pensions in case of the death of a parent, or to a personal pension if the child is handicapped. All such pensions are financed from the State budget.

188. Under the Regulation of Social Welfare and the Regulation of Social Services it is the social welfare services in municipalities that implement the social policy of the State. Children in particularly difficult circumstances (orphans, handicapped children as well as children from poor families) receive assistance until the age of 25 if they are students and do not have an income of their own.

189. Under the Regulation of Social Services for Individuals and Families (1991) for serving poor families and persons, regional (municipal) social welfare centres can organize child day-care centres and maintain municipal housing projects for accommodating temporarily poor people and families. A day-care centre is a way to provide social services to children with physical or mental disorders.

190. Institutions for children occupy an important position in children's social security. Their goal is to assist working parents in their efforts to combine parental responsibilities with their jobs. They also offer a chance for broadening the child's social circle and for adding to it additional socializing factors (other children, target-oriented preschool training and development of the child's skills and habits). Fees are paid under a Council of Ministers tariff for placing the child in State-run day care nursery schools (for children aged from 9 months to 3 years) and in kindergartens (for children 3 to 7).

E. Standard of living (art. 27, paras. 1 and 2)

191. The Convention establishes a requirement for States to provide such a standard of living for the child as would be "adequate for the child's physical, mental, spiritual, moral and social development". Pursuant to this article of the Convention, Bulgarian legislation entrusts parents with the prime task of ensuring the support and standard of living of the child (art. 47 of the Constitution; art. 68, para. 1, of the Family Code which states that "parents shall look after their children ..."; the rights regarding child support when parenthood is determined in court (art. 47 of the Family Code) or in divorce or separation of parents (arts. 106 and 107 of the Family Code).

192. Another basic principle in this regard is the obligation assumed by the State and by society to assist parents in the care for and education of their children (art. 47 of the Constitution and art. 5 of the Family Code). The table below shows social bonuses paid out to parents from the State budget by type (in millions of levs):

Year	1985	1989	1990	1991	1992	1993
Pregnancy and childbirth	64.3	66.4	82.5	217.6	305.0	422.7
Child care	162.9	301.0	357.3	1 032.1	1 325.6	1 905.0
One-time childbirth	23.1	21.5	21.4	20.8	15.1	18.2
Monthly child-care bonus on top of salary	581.0	640.8	734.1	3 008.1	3 275.0	3 906.1
Written-off loans of young married couples	-	47.2	124.2	105.6	11.3	-

Source: Yearbook of Statistics of the Republic of Bulgaria for 1994, National Statistical Institute.

193. Declining production and productivity, the negative values of the national income and gross domestic product, the level of unemployment, constantly rising prices which exceed by several times the increase of salaries are just some of the factors determining the negative trends in the development of the standard of living and living conditions of Bulgarian citizens, including children, during the period of transition to market economy. The table below shows the indices of nominal and real income per person of the population over the 1989-1992 period:

	1989	1990	1991	1992
Nominal income	125.2	169.1	463.9	796.5
Real income	110.4	117.1	74.1	70.0

Source: Yearbook of Statistics of the Republic of Bulgaria for 1993, National Statistical Institute.

194. The statistical and sociological studies of household budgets demonstrate that about two thirds of the families with children in Bulgaria are either on or below the minimum social and living standard. A considerable rise of spending for food was discovered at the expense of purchases of durable goods. In 1991 the money spent on food exceeded 50 per cent of the household budget. Despite that nearly half of Bulgarian households (42.4 per cent) which experienced serious financial difficulties reduced their consumption of food or limited their consumption to lower quality, and hence cheaper products. About 43.6 per cent of the households hardly buy anything else but food, while 36.7 per cent purchase considerably less goods that are not food. Thus, a gradual tendency towards impoverishment of the population is being observed. These tendencies are particularly critical for certain groups such as families with children, particularly families with many children, families with unemployed parents or people with chronic diseases. It is in such families that the "poor child" psychology starts to develop.

195. Parallel with the drop in family income, there was a sharp rise in spending for placing one of the family's children in a day-care centre. Parents' capability of providing adequate living conditions necessary for the child's development was sharply reduced. This brought about the need to correct the old system of family bonuses which were brought in line with the inflation rate in 1991 and were increased by 200 levs in 1993. A mechanism was developed at the same time for correcting such bonuses according to the rise in inflation. There is a growing number of parents who receive social assistance, students' scholarships are being increased, children travel inside cities at reduced rates and children's food at school cafeterias is subsidized in part.

196. Despite this, however, inflation overtakes real income. This is reflected in the quality of children's nutrition and in their access to recreation facilities, which in turn has a detrimental impact on children's physique and health.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

197. Under the Constitution and the National Education Act Bulgarian citizens are entitled to education. No limitations or privileges are permitted that are based on race, nationality, sex, ethnic and social origin, religion and social status. The system of national education includes kindergartens, schools and auxiliary bodies (art. 2 of the National Education Act). The schools and kindergartens are run by the State, municipalities or privately (art. 10, para. 1, of the National Education Act).

198. Children's training for entering school is conducted in kindergarten preparatory classes or in preparatory classes organized by schools. Kindergartens are open for children between the ages of three and six. Children are admitted to them at the request of parents or guardians (art. 18 of the National Education Act). Municipalities provide financial support to the children placed in kindergartens while parents are required to pay fees in amounts determined by the Council of Ministers (art. 19 of the National Education Act). The table below shows the number of kindergartens, children and kindergarten teaching staff for the 1989-1992 period:

Year	1989	1990	1991	1992	1993	1994
Kindergartens	4 562	4 590	4 465	4 429	3 856	3 659
Children	317 559	303 779	258 995	263 004	247 472	246 608
Teaching staff	28 312	28 776	28 045	27 400	25 623	24 091

Source: Yearbook of Statistics of the Republic of Bulgaria for 1994, National Statistical Institute; Reference Book of Statistics 1995.

199. School education starts at the age of six or seven at the option of parents and guardians (art. 7, paras. 1 and 2, of the National Education Act). Education in State and municipal schools is free of charge (art. 6 of the National Education Act) and school education is mandatory until the age of 16. The table below provides information about educational institutions and the students for the 1990-1993 period:

Years	1992/93		1993/94		1994/95	
	Schools	Students	Schools	Students	Schools	Students
General education schools	3 403	1 027 457	3 360	987 999	3 359	980 491
Special schools	132	13 795	136	14 193	131	13 502
Vocational-technical schools	6	2 533	6	3 323	9	4 194
Secondary vocational-technical schools	237	110 384	220	107 839	228	110 355
Technical and art schools	269	111 329	268	103 396	285	112 046

Source: Yearbook of Statistics of the Republic of Bulgaria for 1994, National Statistical Institute; Reference Book of Statistics 1995.

200. School education is general and professional (art. 22 of the National Education Act) which conforms to the requirements of this article of the Convention. The National Education Act provides for the following forms of training: ordinary classes, evening classes and part-time, correspondence schools, individual training and independent training. The child's freedom to choose a school and a type of education has been recognized. This right is exercised by parents or guardians when the children are minors (art. 9 of the National Education Act).

201. General education has three stages: primary, basic and secondary. Primary and basic education, each lasting four years, are mandatory. The State guarantees universal access to mandatory education and provides free of charge the textbooks for primary and basic education.

202. Universal access to secondary education is guaranteed both by being free of charge and by the possibility for students to receive scholarships and other financial assistance from the State. A decree of the Council of Ministers of 1991 established the terms under which regular students receive scholarships and financial assistance from the State budget. Scholarships are given to all students with excellent and very good marks irrespective of the financial status of their families. Students with one parent or without parents as well as handicapped schoolchildren receive social scholarships irrespective of their marks in school. Such a scholarship is also provided to students whose families have a smaller per person income than the legal minimum salary for the country. In special cases students are entitled to one-time financial assistance, payment of which is made with the permission of the school principal.

203. Students at vocational schools receive support from the State in the form of food and work clothes when working in a special or harmful environment. The Ministry of Education also establishes special funds financed from the budget, from sponsorship and donations for scholarships for gifted children, funds for children with chronic diseases and for children with special education needs.

204. Secondary education has a duration of three or four years and follows basic education. When they complete basic or secondary education students can receive professional education as well. It can also be obtained after completion of primary education. Vocational training provides skills in various trades and specialities, and conforms to the State's educational requirements. The vocational training of students is carried out in conditions conforming to sanitary and health requirements. Professional qualification is obtained after completion of the course of vocational training and after passing exams.

205. In secondary schools training can be specialized: there are art and culture schools and foreign language schools. Special boarding schools and auxiliary facilities are established for children with chronic diseases and children with special education needs. Convalescence schools and institutions for students with permanent disabilities also qualify as special schools.

206. There are children and adolescent homes for children with special educational needs who have no parents or whose parents have had their parental rights revoked; correctional boarding schools for students who have committed offences had have been placed there under the Combating Antisocial Behaviour by Minors and Adolescents Act; as well as homes for students who lack adequate conditions at home, who are deprived of family care and supervision or who have displayed or are prone to display antisocial behaviour. Training is organized for inmates of correctional institutions who do not have secondary education. Evening classes can be attended by persons over 16 years of age.

207. In the Republic of Bulgaria there are State, municipal and private schools. State and municipal schools are opened, transformed and closed by the Minister of Education. State schools are financed mainly from the State budget by the Ministry of Education or other ministries and government departments.

208. Municipalities provide mandatory education to children under 16 and finance municipal schools. They also provide students' health care and security, school cafeterias, student hostels, recreational and sports facilities, transportation for students and teachers, scholarships and special financial assistance for students. Private schools may be established by individuals and organizations with the permission of the Minister of Education granted upon presentation of a training programme that conforms to the State's educational requirements. Foreign schools and Bulgarian schools with foreign participation can be opened with a licence from the Council of Ministers issued on the proposal of the Minister of Education.

209. University education is free of charge in the State universities and under terms established by law. Students are admitted to universities after admission tests and payment of a minimum fee. Students admitted within the State's quota study free of charge. Universities also offer paid education for students who fall short of the State's quota. Access to universities has been broadened in the past three years with the opening of new universities in many major cities and with the addition of new faculties and special subjects.

210. Various measures are adopted for broadening access to educational and professional information. Textbooks are provided for students from grades 1 to 8. the Ministry of Education monitors the circulation of the textbooks so that they correspond to the number of students. They also cater for the issuing of new editions when necessary. A preferential tax regime has been adopted for textbooks.

211. The measures adopted to encourage regular attendance and reduce the number of children who leave school prematurely are not sufficiently effective. Though the law provides for mandatory education until the age of 16 it is not specific in establishing responsibility for children who do not finish school. Data collected over the last three years indicate that a growing number of children are leaving school prematurely - from 44,024 in the 1989/90 school year to 45,817 in 1991/92. After leaving school these children remain outside the control of the school and of society. There is no reliable information as to these children's professional and personal success. The National Education Act lays an obligation on parents to ensure the regular attendance of their children if they are within the mandatory school age. Administrative penalties are provided for violations of this provision. Parents are fined by the municipalities. However in the conditions of the transition to market economy it becomes increasingly clear that certain financial guarantees on behalf of the State are necessary to ensure that each child is able to implement his or her right to education. Economic circumstances require families to use child labour in their newly emerging farms, or to supplement the family budget. This will keep children at home and would hamper the implementation of their right to education.

212. It should be noted that, as a rule, any means of enforcing school discipline that violates a child's dignity is banned in Bulgarian schools. The police and the Ministry of Education have not reported any cases of corporal punishment or cruelty towards children by school staff.

213. The Regulation for the Application of the National Education Act states that "the teacher may not violate the human and civil rights of the student, harm the student's personal dignity and apply any form of physical or psychological violence against the student's personality". Teachers violating this provision may be subject both to disciplinary and criminal court action. On the other hand, this Regulation also spells out the rights, obligations and responsibilities of the student. The student should fulfil his or her school obligations, observe the rules of the school, refrain from being absent, unless there is reasonable cause, as well as observe the generally accepted

norms of behaviour. The Regulation provides special disciplinary action and penalties imposed by the school principal. The severest penalty is expulsion from the school imposed by the school board as a final measure for particularly serious offences. The order by which this penalty is imposed may be appealed in the manner provided by the Administrative Procedure Act.

B. Aims of education (art. 29)

214. There are no substantial differences between Bulgaria's current legislation and the Convention as far as the aims of education are concerned. The Regulation for the Application of the National Education Act sets the following basic goals of education: mastering the basics and laws of human knowledge, learning human and national values, virtues and culture, development of the individual and encouraging the child's creativity, spiritual, physical and social development and a healthy way of life of the child.

215. The National Education Act establishes that the national education system provides training that conforms to the State's educational requirements which define the levels of general education and vocational training. There are no other limitations to private persons and organizations establishing educational establishments, except that the latter should conform to the minimum education standards established by the State educational requirements. A curriculum conforming to the State educational requirements must be presented in order to receive the permission by the Minister of Education to open a private school. The Ministry of Education has been given special authority to monitor all kinds of educational establishments with a view to the protection of the State education policy. Generally, there is equality and freedom to compete for private, public and all other kinds of schools.

C. Leisure, recreation and cultural activity (art. 31)

216. Bulgarian legislation does not expressly regulate the child's right to recreation which, due to its specific nature, requires firmer guarantees than other rights. At school, students have various options for their leisure time in the fields of culture, art, science, technology, manufacturing and sport. Corresponding structures have been established such as training courses, choirs, theatre groups, orchestras, etc. Regrettably, some of the facilities of the former pioneer, cultural and young peoples centres were returned to their former owners, while a substantial number of other facilities were rented out by municipalities for commercial purposes, which has been harmful for the children.

217. The facilities for children's recreation are financed chiefly by the State. The table below shows statistical information about camps for schoolchildren by type for 1994:

	Total	General type	Health	Specialized	Seaside
Camp shifts	2 546	2 074	153	319	810
Winter	444	303	46	95	24
Spring	547	411	52	84	70
Summer	1 555	1 360	55	140	716
Camp attendance:	230 250	192 713	11 731	25 806	104 287
Winter	31 559	20 062	3 975	7 522	1 986
Spring	38 358	20 062	3 043	6 587	6 326
Summer	160 333	143 923	4 713	11 687	95 975
By composition:					
students grades 1-8	205 089	172 183	9 888	23 018	89 729
secondary school students	25 161	20 530	1 843	2 788	14 558
kindergarten children	8 863	-	-	-	-

Source: Reference Books of Statistics, 1995, National Statistical Institute.

218. The National Palace of Children is a special non-school institution taking care of the leisure time of children. The Palace receives 50 per cent of the funds necessary for its support from the State, with the remaining portion being collected from small fees, sponsorship and donations. It offers 45 kinds of courses in arts, sport, science and technology. Four thousand children voluntarily attend these courses pursuant to their interests and motivation. The Palace organizes a variety of entertainment programmes and events to which all children have access. The National Palace is a founding member of the European association for the leisure of children and young people. In this respect its activity is directed at the exchange of information, the organization of international meetings and cooperation as well as the exchange of groups of children and young people.

219. Society and the State assist the development of children's artistic talents and their participation in the country's cultural life. For this purpose the Ministry of Education has established special schools for arts, music and choreography. The cultural centres established in most towns and villages also offer opportunities for the development and expression of children's creative talents. The Palace has its own Children's Philharmonic, which has given highly successful concerts in Bulgaria and abroad, folk groups, a children's choir, a ballet studio, dancing and theatre classes and a painting class. All dancing and theatre groups have been very successful and enjoy international recognition. They present numerous concerts and performances every years.

220. The children's right to entertainment is observed. In organizing educational work at preparatory educational institutions (kindergartens) it is

recognized that the main activity should be games. The aim is to familiarize teachers with the various games for the purpose of using them in their work. A programme has been started with the support of the Ministry of Health and the Ministry of Education utilizing game therapy of children placed at public institutions.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

221. The Bulgarian Constitution (art. 27, para. 2) provides for granting shelter to foreigners prosecuted because of their convictions or activities in defence of internationally recognized rights and freedoms.

222. Bulgaria is a party to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967 which were ratified by Bulgaria and promulgated in the State Gazette (No. 88 of 10 August 1993). In 1994 the Council of Ministers adopted a Regulation of Granting and Regulating the Status of Refugees which establishes the terms and procedure of granting the status of refugee and the rights and obligations of the refugee pursuant to the Convention and Protocol (State Gazette, No. 84). According to article 2, paragraph 2, of the Regulation, "the administrative and legal status of the refugee in the Republic of Bulgaria shall not be less favourable than the administrative and legal status of the foreigner who is a permanent resident". Under article 27, paragraph 1, of the Constitution the latter enjoys all rights and obligations with the exception of such privileges and obligations for which the Constitution and the law require Bulgarian citizenship.

223. The legal and administrative protection of persons seeking refuge is provided by the National Bureau for Territorial Shelter of Refugees within the Council of Ministers. In consultation with other ministries the National Bureau works in close cooperation with the liaison office of the United Nations High Commissioner for Refugees in Bulgaria and assists it in the discharge of its duties. A group of 200 women and children from Bosnia and Herzegovina were granted asylum in Bulgaria. Any refugee child who is deprived of his or her family environment can enjoy the same protection as any other child.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

224. It is a consistent policy of the Bulgarian Government to protect all Bulgarian citizens under the age of 18 from participation in armed conflicts. In this connection under the Law of Universal Armed Service all Bulgarian citizens of the male sex under the age of 18 are subject to conscription.

225. In 1992 the Government and the Bulgarian Red Cross adopted measures for the physical and psychological rehabilitation of a group of women and children victims of the armed conflict in Bosnia and Herzegovina. The refugees were provided with accommodation, medical service, schools for the children, funds for subsistence and clothing.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

226. The provisions regarding the investigative and court procedures are contained in the Code of Criminal Procedure. Juvenile justice is administered in general court but follow the Extraordinary Rules contained in the Code of Criminal Procedure and the Penal Code. Investigations are carried out by special investigators trained in this field. The generally recognized principles of criminal law are incorporated in Bulgarian legislation. This is also true of the basic procedural guarantees of the administration of a just criminal trial and the observance of the rights of suspects, defendants and convicts.

227. No one may be convicted of an action or inaction which had not been proclaimed a crime by the law at the time it was committed. The criminal law cannot have retroactive action and cannot be applied by analogy. If the law should change during the period between the perpetration of a crime and the entry into force of the court sentence, the law that is most favourable to the convict shall apply.

228. Bulgarian criminal law is based on the presumption of innocence of the defendant. The Constitution and the Code of Criminal Procedure provide that the defendant is presumed innocent until proved guilty by a court verdict that has entered into force. The defendant should be proved innocent beyond reasonable doubt. It is the prosecutor who has to prove the guilt of the defendant.

229. The Code of Criminal Procedure recognizes the right of every person who is suspected or accused of committing a crime to learn immediately the particulars of his indictment. This right of the accused is also an obligation for the investigating magistrate and the court. In case of preliminary detention of an adolescent, the parents or guardians of the child as well as the principal of his school must be advised forthwith.

230. The right to legal counsel is guaranteed by the Constitution. In practice this right is exercised through the opportunity provided to the accused to familiarize himself with all materials on his case, to obtain defence counsel, to establish contact with the counsel as from the moment of his detention or indictment. When an adolescent is concerned, further opportunity is provided for obtaining other appropriate assistance in the preparation and presentation of his defence. It is in this context that one must view the various detention measures applicable: placing him under the supervision of parents or guardians, under the supervision of the administration of the correctional facility in which he has been placed or of a member of the local Commission for Combating Antisocial Behaviour by Minors and Adolescents. Such persons are obliged to supervise the adolescent, to monitor his behaviour and to ensure his appearance before the investigating magistrate and the court.

231. Bulgarian legislation does not provide for shorter terms for concluding a preliminary investigation against an adolescent. The term is two months which may be extended for up to six months in exceptional cases by decision of the

Chief Prosecutor. Despite the fact that it is actual practice to complete investigations against juveniles in shorter terms, in recent years cases usually take longer to complete because of the lack of a sufficient number of investigating magistrates. Investigations against juveniles should as a rule be conducted by special investigators, but this legal requirement is also violated in everyday practice.

232. As a guarantee for proper protection of the adolescent at the stage of the preliminary investigation it is provided that a psychologist or social worker may attend the interrogations and ask questions on his own with the permission of the investigating magistrate. The social worker or psychologist is entitled to read the interrogation report and to make notes on it regarding its accuracy. The parents or guardian of the juvenile may attend the presentation of the conclusions of the investigation, if they so desire.

233. Cases against juveniles are examined in the mandatory presence of a prosecutor and a jury, whose members may only be elected from among teachers and educational social workers who have children of their own. The parents or guardian are subpoenaed for the examination of the case. They are entitled to participate in the collection and verification of evidence and to make claims, notes and objections. The participation of defence counsel in cases against juveniles is mandatory.

234. The Code contains a further special obligation for investigating and judicial authorities to provide better defence of the rights and interests of the juvenile defendant: they must collect information about the defendant's personality, his environment, background and education, and particularly whether the crime was committed under the influence of adults. The court may invite a case worker from the local Problem Child Office or a representative of the defendant's school.

235. For the protection of the interests of the juvenile the law also permits the court to temporarily remove the defendant from the chambers whenever it is necessary to clarify facts that may have an adverse impact on the defendant. Prior to ruling on this matter, the court should hear the defence, the parents or guardian and the prosecutor.

236. No one can be forced to admit guilt, nor can one be sentenced only on the grounds of his confession. Additional evidence is required to confirm the confession. Forcing a defendant to admit guilt is a crime punishable by imprisonment for up to 10 years. The burden of proof is placed pursuant to the presumption of innocence of the accused: the defendant is not obliged to prove that he is innocent and no adverse conclusions may be made if he should refuse to provide explanations or has not proved his objections. The defendant's right to legal counsel includes his right to require evidence to refute the accusations, to establish other circumstances and to prove his claims, including to require the interrogation of witnesses and other procedural actions. The rights of the defendant are exercised by observing the principle of the equality of the parties in a trial.

237. It should be noted that there is a two-tier system for examining cases in Bulgaria. Each sentence passed by a court of first instance may be appealed before a court of second instance: sentences passed by regional courts are

appealed before the district courts, while sentences passed by the latter are appealed before the Supreme Court. The Constitution provides for transition to a three-tier system by the establishment of courts of appeal, but this reform has not yet been made. This will take place in the near future with the adoption of the new court structure and procedural legislation. Besides appealing the case, the convict may request a review of the case by using the extraordinary means for overturning sentences that have come into force: supervisory reviews of cases and retrials of criminal cases. In the event that the Supreme Court should decide that a request for review is motivated, it overturns the sentence and returns the case for retrial.

238. The Code of Criminal Procedure requires the court and the investigating magistrate to provide free of charge an interpreter for the accused if he does not speak or understand the Bulgarian language or if he is deaf.

239. Protecting the juvenile defendant's private life during a trial is legally regulated only by the provision contained in the Code of Criminal Procedure that cases against minors are as a rule examined in closed sessions. The aim is to reduce the stigmatizing effect on the juvenile delinquent and to protect him from the adverse influence of public opinion.

240. It should be noted that there is a Combating Antisocial Behaviour by Minors and Adolescents Act in force in Bulgaria. This Act serves as an alternative to court action and penalties for children who have committed crimes and offences. It is under this Act that correctional measures are applied to minors who cannot be objects of criminal proceedings and to adolescents, whenever the prosecutor or the court should discontinue the proceedings against them and refer the case to the respective Commission for Combating Antisocial Behaviour by Minors and Adolescents.

241. The following institutions have been established pursuant to this Act: commissions for combating antisocial behaviour by minors and adolescents, problem children offices, homes for temporary placement of minors and adolescents and correctional schools. The commissions for combating antisocial behaviour by minors and adolescents are established at local level (municipalities) and at central level (with the Chief Prosecutor's Office). Their main functions are preventive: they look for minors and adolescents in need of assistance from the State and society and place them in health or educational establishments, assist children and their parents, find jobs for children who have come out of specialized institutions, monitor their behaviour and development, coordinate the work of the State authorities and public organizations, etc. The commissions combine law enforcement with educational functions. They examine cases of adolescents referred to them by prosecutors and courts and impose correctional measures. They can also examine the behaviour of adolescents at the request of public organizations, the police, the municipal council and citizens and impose correctional measures.

242. Practice has shown, however, that the commissions find it impossible to ensure a just outcome of the case and to impose an appropriate correctional measure, because they do not have a sufficient number of competent members and owing to the absence of adequate procedural guarantees. Specialists in this field have thus come to the conclusion that the law-dispensing and

correctional functions should be divided between two institutions. A proposal was made to the Council of Ministers for amendment to the law. Special courts for children and adolescents will have to be established within the court system. The law-dispensing functions of the commissions will be transferred to the children's courts, while the commissions will remain as departments of the municipal councils with social and educational functions with respect not only to children, but also to their parents.

243. The problem children offices function as bodies with the municipal councils. There are 199 such institutions in the country, employing 207 case workers, who are employees of the police. They monitor 19,000 minors and adolescents who have either committed a crime or may be expected to do so. Case workers have preventive, information, monitoring and consultative functions with respect to the children and their parents. They are particularly valuable with the opportunity they provide for exerting a direct educational and correctional influence over the child and his or her family and school environment. It has been proposed that case workers should be removed from the staff lists of the police and should become a public institution for individualized counselling. To assist investigative and court authorities they should assume the responsibility for making inquiries into a child's background, living and school environment and to supervise that child on judge's orders.

244. The functions of public educators are rather close to those of case workers. These officials are appointed by local commissions whenever it is necessary to prevent an adolescent from committing an antisocial act, for supervising adolescents who have been placed in correctional schools as an alternative to penal sanctions, adolescents with suspended sentences, adolescents with prison sentences and those leaving prison on parole, as well as minors and adolescents released from correctional schools. Public educators are controlled by the local commissions to which they report, as well as by the case workers from the problem children offices.

245. The homes for temporary placement of minors and adolescents are established by municipal councils after consultation with the Minister of the Interior. There are five such institutions in Bulgaria accommodating 3,000-4,000 children a year. They are used as temporary (up to 15 days) shelters for children who are homeless, support themselves from begging, are of unknown domicile, have escaped from institutions, or have committed antisocial acts. The homes have educational, diagnostic, selection, psychological consulting and medical functions and direct children either back to their parents or to institutions for long-term placement.

246. The correctional boarding schools, or educational boarding schools as they have been renamed recently, are opened and closed as institutions under the municipalities by order of the Ministry of Education pursuant to the National Education Act. They are supervised by the Chief Prosecutor's Office and the Ministry of Education. Children are placed there by the Ministry of Education on orders of a court, or at the request of prosecutors or a local Commission for Combating Antisocial Behaviour by Minors and Adolescents. The parents or guardians have to be informed of their child's placement at such an

institution. Under the Regulation of the Application of the National Education Act the maximum placement term is three years. There were 12 such schools in Bulgaria in 1992/93 catering for 841 children.

247. Minors and adolescents who have committed antisocial offences and whose resocialization cannot be achieved within the family environment and without their removal from their former high-risk social environment are placed in the correctional schools where they receive education and vocational training and are subject to correctional influence.

248. These schools are confronted by problems resulting mainly from their obsolete facilities, remote geographic location, insufficient number of qualified staff (very few of whom have university diplomas in relevant fields of education), the frequent abuse of power and mistreatment of inmates by the staff, as well as the poor educational level of the children. These problems have an adverse effect on children, whose system of values is seriously deformed. Children thus encounter problems with their reintegration in society after leaving these schools. Specialists suggest that in the future these schools should be turned into modern correctional educational establishments by removing them from their former remote locations, by placing children selectively by age groups and by preventing the placement there of children with prison sentences or children who have served sentences in a correctional facility.

249. The Penal Code provides that minors (under the age of 14) are not subject to penalties under criminal law. An adolescent between the age of 14 and 18 can be subject to criminal justice if he or she is able to understand the nature and significance of his actions and to govern them. The Penal Code has established measures to ease the situation of juvenile offenders by avoiding court action against them. The prosecutor can terminate the investigation against an adolescent, while the court may rule not to examine the case and pass a sentence if it is possible to apply successfully the measures provided under the Combating Antisocial Behaviour by Minors and Adolescents Act with respect to that offender. In these cases the court and the prosecutor are allowed to impose a correctional measure on their own or to refer the case to the local Commission for Combating Antisocial Behaviour by Minors and Adolescents.

250. Bulgarian legislation provides some measures as an alternative to placement of adolescents in institutions. The Penal Code permits suspended sentencing of an adolescent if the case conforms to the conditions established in the Code. Whenever an adolescent is sentenced to imprisonment for less than one year and the sentence is not suspended, he shall be exempted from serving the prison term and shall be placed by the court in a correctional school or may be subjected to some other measure under the Combating Antisocial Behaviour by Minors and Adolescents Act. There is one further option: at the proposal of the prosecutor or the respective local Commission the court may replace placement in a correctional school with another correctional measure even after the sentence has been passed.

251. The Combating Antisocial Behaviour by Minors and Adolescents Act has established the following correctional measures: reprimand, apology to the affected persons, caution, turning over the child to the parents or guardians

for special care, placement under the supervision of a public educationalist, making the offender compensate for any damage caused by him with his own labour if that is possible, obligation to do public service and placement in a correctional school. These measures are imposed by local commissions, the prosecutor or the court under the terms already mentioned above. For improving the efficiency of these measures in modern social conditions, specialists recommend changes in the law and the institutions that impose such measures.

252. The Combating Antisocial Behaviour by Minors and Adolescents Act was adopted in 1958 and has been amended many times since. It is rather obsolete in terms of terminology, the ideas and solutions it offers as an alternative to justice for young people, and the educational measures replacing placement in special institutions. The Council of Ministers has proposed a partial updating of the law. It is, however, necessary to adopt a new law conforming to modern international standards of children's rights and justice for children.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))

253. The extraordinary rules for adolescents in the Penal Code have imposed strict limitations on sentencing adolescents and punishing them with imprisonment. There is a requirement to bring adolescents before the court when there is serious grounds to do so, for grave premeditated offences that pose a grave threat to society. The prosecutor and the court have a number of options to replace the imprisonment sentence with correctional measures under the Combating Antisocial Behaviour by Minors and Adolescents Act. The Constitution and the Code of Criminal Procedure provide for special limitations concerning the authorities that may impose detention, the grounds for detention, term and possibilities for appeal of detentions.

254. The prosecutor issues a detention order only if there are sufficient grounds to do so. The investigating magistrate may order preliminary detention even without the permission of the prosecutor for general crimes punishable by imprisonment only in several cases described by the law. In such cases the investigating magistrate must notify the prosecutor within 24 hours. The prosecutor must then either confirm or overturn the detention order. When detention of adolescents is necessary they are kept separate from adult inmates and their parents or guardians, as well as the principal of their school, must be notified.

255. Detention may also be ordered as a measure in connection with criminal cases or investigations against the detained persons. The detention measure is imposed by the prosecutor or the court. This is a most severe measure and may be applied to adolescents only in exceptional cases. The detention order may be appealed before a superior prosecutor or in court.

256. Illegal detention is a crime punishable by imprisonment under the Penal Code. Imprisonment is applied to adolescents only as an exceptional measure for particularly severe crimes. The terms of imprisonment of adolescents are reduced substantially. The maximum imprisonment term for persons aged 14

to 16 is 10 years when it serves as a replacement for the death sentence and 12 years for persons aged 16 to 18 when it is a replacement for the death sentence.

257. Under the Penal Code "punishment cannot have as its goal the causing of physical suffering or degradation of human dignity". Under the Penal Code adolescents serve prison sentences in correctional schools until they come of age, i.e. separately from adults and under a regime that is substantially different from the one in ordinary jail.

258. Correctional homes are the institutions where adolescents (aged 14 to 18) serve their imprisonment sentences. They are under the jurisdiction of the Ministry of Justice. There are two such homes in Bulgaria: one for boys and one for girls. They have penal, educational and correctional functions. The girls' correctional home is a ward of the women's prison, where adolescents are kept apart from adults. In 1991/92 there were three adolescent girls sentenced to imprisonment. At the beginning of 1995 there were 103 adolescents at the boys' correctional home, 26 of whom had imprisonment sentences, 33 were defendants and 44 were under investigation.

259. It is not rare for adolescents to be detained for longer than the legal terms until completion of the criminal proceedings, which results in suicide attempts, rioting and other serious conflicts between inmates and staff. Other problems confronting these homes are their remoteness from major urban centres, the inadequate qualification of their staff and impossibility of hiring competent professional staff.

260. In recent years these homes were greatly improved in terms of offering a more humane environment and better relations between staff and inmates. The homes have their own workshops and facilities for sport and recreation. After coming of age young people are transferred to prison or a correctional facility. On the proposal of the educational board and with the permission of the prosecutor they may be left at the correctional home until the age of 20 for the purpose of completing their education and professional qualification.

261. The Serving of Penalties Act contains special provisions with respect to adolescents. They establish the terms of the regime of labour, education, recreation, unlimited right to correspondence, awards and penalties for adolescents serving sentences. It is particularly pointed out that the head of the correctional facility may ban correspondence with and visits of such persons who may have an adverse influence over the inmate. Likewise, the head of the facility may permit more frequent or longer visits by persons who have a positive influence over the inmate.

262. The liberty of adolescents may also be restricted as a result of the adoption of mandatory medical measures against such persons. These may be imposed for antisocial acts committed in a state of insanity, or a lapse into such a state prior to the announcement of the verdict or while serving the sentence. Upon the completion of six months after the placement in a medical institution (or earlier if necessary) the court must rule on terminating, continuing or replacing the mandatory treatment. Mandatory treatment can also be imposed by the court when the juvenile defendant is an alcoholic or drug addict.

263. A child deprived of his or her liberty has the right to legal defence, which includes: the right to personal meetings with a lawyer and the confidentiality of the discussions; the right to be visited; the right to receive consultation from the staff of the correctional home; as well as the right to be directed to the competent authorities for the protection of his or her interests. The child is not limited in his or her right to appeal the detention or other detention measure and the sentence before a superior instance, as described above. A sentence that has come into force can be appealed using the extraordinary supervisory review by the Supreme Court of the Republic of Bulgaria.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

264. The Bulgarian Constitution prohibits torture, cruel or inhuman treatment. Corporal punishment is non-existent in Bulgarian civil law. Under the Penal Code no one who at the time of committing the crime was under 20 years of age can be sentenced to death. Juveniles cannot be sentenced to life imprisonment. Depending on their age and the gravity of the crime, life imprisonment is mandatorily reduced to imprisonment for no more than 12 years.

4. Physical and psychological recovery and social reintegration (art. 39)

265. Care for the recovery and social reintegration of juveniles who have been in conflict with the law is the responsibility of the specialized public institutions for placing children, the health establishments and the family, and is regulated by the Combating Antisocial Behaviour by Minors and Adolescents Act, the National Education Act and the Regulation on its application, the Public Health Act and the Regulation on its application, as well as other legal instruments. There do not exist any intermediary bodies to offer support and guidance to juveniles leaving institutions for facilitating their adaptation and re-entry in society. Other problems in this field were explained in the family environment and basic medical services and welfare sections.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

266. Bulgarian legislation provides special protection to child labourers through the special provisions of the Labour Code. These provisions were adopted in conformity with an ILO Minimum Age Convention and the International Covenant on Economic, Social and Cultural Rights, to which the Republic of Bulgaria is a party. The minimum employment age is 16. There is a ban in force on hiring persons under 16. The Labour Inspectorate voids any labour contracts violating this rule.

267. The Labour Code permits two exceptions to this rule. There is a higher minimum age-limit of 18 years when labour conditions are difficult, harmful or dangerous. These jobs are listed in full in the List of Difficult, Harmful and Dangerous Occupations. Persons under 18 cannot be hired to perform any

jobs on that list. As an exception it is permitted to employ children under 16 for certain jobs, which are also listed. The chief criteria is the nature of the job. In the latter case employing children between 15 and 16 is permitted to perform jobs that are not difficult or harmful to their health and normal physical and mental development. The second exception concerns the employment of children in the sphere of culture: children under 15 may be employed for participation in films, theatre and other performances. Girls over 14 and boys over 13 can be employed in circuses. The Regulation for Employing Persons under the Age of 15 provides for parental consent to employment of children over 14. It is the parents who sign the labour contracts of children under 14.

268. As a guarantee for the observance of these requirements the Labour Code has set certain terms and conditions for the employment of children. Children under 16 may only be employed after medical examination which should establish that they are fit to perform the job and that it would not threaten their health and development. In each individual case it is necessary to obtain the permission of the Labour Inspectorate. For the employment of children over 16 a medical examination proving that they are fit to perform the job and the permission of the Labour Inspectorate are required. The Minister of Labour and Social Welfare and the Minister of Health approve a list of jobs which may as an exception be performed by children aged 15 to 16. This list must be reviewed at least once every three years.

269. The labour legislation provides special protection to adolescents in the labour process. The employer must provide easier working conditions and facilitate the vocational training of persons under 18. A regulation of the Council of Ministers on the employment of children under 15 provides extra protection and easier working conditions for such children. Children cannot be asked to do extra hours or work night shifts.

270. There are shorter working hours for adolescent workers: 35 hours a week (which is five hours less than the ordinary business week) and 7 hours a day for a 5-day business week, or 36 hours (or 10 hours less) and 6 hours a day for a 6-day business week. Employees under the age of 18 are entitled to paid leave in an amount of no less than 26 working days (14 being the minimum for adults), including for the calendar year during which they complete the age of 18.

271. The Labour Code envisages criminal and administrative liability for violations of the labour laws. Employers may be fined up to 12,000 levs depending on the violation. The Chief Labour Inspectorate with the Ministry of Labour and Social Welfare, interdepartmental controlling authorities and the labour unions monitor violations of the labour laws.

2. Drug abuse (art. 33)

272. Under Bulgarian legislation, the manufacture, distribution and sale of narcotic drugs are crimes. It is a crime to encourage another person to take drugs, and if that person is an adolescent, the penalty is imprisonment of from one to eight years. The sale and consumption by schoolchildren of alcohol, narcotics and cigarettes is prohibited under the Public Health Act and the Regulation for its application. There are no provisions, however,

that make it a crime to use children in producing and trafficking in narcotic drugs. A law is being drafted that would enable the police to counteract more efficiently the distribution and sale of drugs. There are no provisions in Bulgarian legislation to make the use, distribution and trafficking in psychotropic substances a crime.

273. According to court statistics, there were 279 minors and adolescents consuming alcohol on a regular basis in 1991. There is concern over the fact that children start consuming alcohol and psychotropic substances at a younger age. The Medical Academy has reported that the lowering of the age is accompanied by an increase in the number of children taking these substances. In recent years more children and adolescents have started inhaling toxic substances, particularly glue.

274. Drug abuse by children has started to become a serious medical and social problem since the liberalization of the social and political situation in 1989. Until that year and mainly because of its geographic location, the country served merely as a point of transit of narcotic drugs from Asia to Western Europe. In recent years the changes that have occurred, as well as the inflow of immigrants from Arab and Central African States and the development of domestic criminal groups, have facilitated the emergence of a network for distribution of drugs inside the country. The situation is a source of concern since the public is unprepared to meet the threat because of its lack of such experience in the past. There is also no reliable information of the distribution and consumption of narcotic drugs in Bulgaria.

275. It is the Ministry of Education, the police and the schools that jointly take measures to protect schoolchildren. School principals have been instructed to provide educational programmes and to adopt measures limiting the access of drug dealers to areas close to the schools. Much hope is attached to school psychologists for individual counselling of high-risk children. The authorities are now studying the experience of other countries in preventing and limiting drug abuse. There is, however, insufficient coordination between the various authorities and institutions dealing with this problem. A special clinic has been established to provide treatment for drug addicts.

3. Sexual exploitation and sexual abuse (art. 34)

276. The sexual inviolability of children is especially protected by the Penal Code. Sex with adolescents, the use of force or the threat of rape with respect to adolescents and sexual abuse of children are crimes under the Code even if they do not constitute rape, the latter being punishable in all cases irrespective of the age of the victim. It is also punishable to involve adolescents in sexual activities, to encourage them to have sex and to provide premises to persons for the perpetration of such acts.

277. Prostitution is not a crime under Bulgarian law. The Penal Code provides the possibility to punish adolescents who are fit to work but for "substantial periods of time are not employed but receive income from immoral activities". There is a matching practice of the Supreme Court which has interpreted prostitution as an immoral activity for obtaining income. Prostitutes are not the object of any particular attention by society. It is mainly the police

that deals with them, more often than not in connection with sanctions for crimes committed in connection with prostitution. The Penal Code punishes the exploitation of children for prostitution. It is a crime to force a minor or adolescent to engage in prostitution. The penalties are more severe if prostitution has resulted in deterioration of the victim's physical, mental and moral development. The police established specialized bodies in 1992 for preventing child prostitution and pornography.

278. The Penal Code provides legal protection against the use of children in pornographic shows and materials. Specialists believe that it is necessary to amend the laws protecting the exploitation of children for the purposes of prostitution by broadening the definitions and increasing sanctions. It will also be necessary to adopt special provisions for preventing the use of children in pornographic materials and presentations, as well as to ban the distribution of all kinds of pornographic materials sold in a manner that affects the dignity and moral integrity of children. The new Penal Code that is being written at this time will contain such provisions.

4. Other forms of exploitation (art. 36)

279. At this time protection is provided by the Constitution which places children under the protection of society and the State.

5. Sale, trafficking and abduction (art. 35)

280. Under the Penal Code it is a crime to abduct, detain and hide a child. The act of abducting and detaining someone else's child by using force or threat of force and with the intention to use the child for profit or for immoral purposes is punishable by a more severe penalty - imprisonment for up to three years.

281. A new text that provides special protection to children in all cases of "illegal detention" was adopted in 1994. It is considered an aggravating circumstance if the offender is an official and if the crime was committed in a cruel manner or has endangered the health of the child.

282. The new draft Penal Code contains a text that proclaims the trade in children a crime. The police have so far not registered any such cases in Bulgaria. Specialized bodies have been established by the police to combat abductions and trade in children, as well as child prostitution and pornography.

D. Children belonging to a minority or an indigenous group (art. 30)

283. Under the Constitution all Bulgarian citizens and foreigners currently in the country are equal before the law and it is prohibited to restrict their rights because of race, nationality, ethnic origin, religion, etc. In particular, the Constitution guarantees the freedom of all citizens to express their views, to receive information, to associate and to profess a religion.

284. The Bulgarian Constitution guarantees observance of the right of children belonging to minority groups to use their own culture, to practise the rites of their own religion and to speak their own language. The Constitution

proclaims that everyone is entitled to develop his own culture pursuant to his ethnic origin (art. 54, para. 1) and that Bulgarian citizens for whom the Bulgarian language is not the mother tongue can study and use that tongue in parallel with the mandatory study of the Bulgarian language (art. 36, para. 2).

285. Students for whom Bulgarian is not the mother tongue can study that language free of charge from the first to the eighth grade in municipal schools. Training and textbooks are provided by the State and are paid for from the municipal budgets. With the permission of the Minister of Education, religious institutions may open religious schools for children who have completed basic education.